

MANAGING THE NUCLEAR LEGACY – A BRIEFING ON KEY DEVELOPMENTS

NuLeAF Seminar Report,
December 07



Introduction

This report provides an overview of the discussion and output from the two NuLeAF seminars held on 29 November and 4 December 07.

The report has the following structure:

- Aims, agenda and participants
- Implementation framework for a geological repository
- Strategy for managing Low Level Wastes (LLW)
- Nuclear Decommissioning Authority (NDA) stakeholder engagement
- The non-routine transfer of radioactive wastes
- Way Forward
- Annex 1: Summary of feedback
- Annex 2: Seminar participants

Aims, Agenda and Participants

The aims of the seminars were to:

- Brief participants on key developments in nuclear legacy management
- Discuss the implications for local government
- Identify initiatives that NuLeAF should undertake on behalf of member authorities

The two seminars were held in LG House London (29 Nov) and County Hall Preston (4 Dec).

The agenda for each seminar was in two parts. The morning sessions considered the long-term management of radioactive wastes. The afternoon sessions considered the NDA's arrangements and plans for stakeholder engagement, and issues raised by the possibility of the non-routine transfers of radioactive wastes between sites.

Presentations were made by:

- Robert Jackson, Head of Radioactive Substances Division at the Department of Environment Food and Rural Affairs (DEFRA)
- Joanne Fisher, LLW Strategy Manager at the NDA

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- Gerald Hudd, Group Manager, Scientific Services, Somerset County Council (London seminar)
- Richard Evans, Principal Planning Officer, Cumbria County Council (Preston seminar)
- Richard Griffin, Stakeholder Relations Manager, NDA
- Fred Barker, Executive Director, NuLeAF

Each presentation was followed by questions and answers in plenary session. Copies of the presentations are available on request from NuLeAF (christine.delcorral@nuleaf.org.uk).

Group discussions took place at the end of morning and afternoon sessions. The following questions were posed as 'starters for ten' in those discussions:

Implementation framework for a geological repository

- What are the most positive things about Government proposals for the implementation framework?
- What issues about implementation cause you most concern?
- How can those concerns be overcome?

Strategy for managing LLW

- What steps should be taken to encourage the provision of LLW disposal facilities in more parts of the country?
- How could local concerns about any new proposed facilities be addressed?
- What are the key issues the NDA should take into account in developing strategy for LLW management?

NDA stakeholder engagement

- What do you see as the main purpose of the Site Stakeholder Groups? What should their priorities be?
- On what issues should the Site Licensee Company/NDA engage directly with the local authorities?
- What are the key messages for the NDA strategy review?

Inter-site transfers

- Traffic light system of transfer authorisation - what engagement would you expect before amber turns to green?
- Minerals and Waste Development Frameworks (MWDFs) - what guidance is required so radwaste developments can be addressed? How can NuLeAF assist?
- Which types of development should attract a community benefits fund?

In total, 52 people participated in the seminars, including representatives from 17 local authorities (16 NuLeAF member authorities and 1 non-member authority) and 2 Regional Assemblies. Participants also came from DEFRA, the NDA, Environment Agency, Magnox Electric and the Nuclear Waste Management Organization of Canada. The full list of participants is contained in Annex 2.

Implementation Framework for a Geological Repository

Robert Jackson's presentation outlined the following:

- The story so far in the Managing Radioactive Wastes Safely (MRWS) programme
- The state of play internationally
- The consultation on a proposed implementation framework (25 June – 2 Nov)
- The reconstituted Committee on Radioactive Waste Management (CoRWM)
- Engagement with NuLeAF in developing the implementation framework
- The role of the NDA and
- Next Steps

Next steps included the analysis of consultation responses, publication of a way forward White Paper (in the first half of 2008) and, potentially, the invitation to open up without prejudice discussions with authorities that may wish to participate in the siting process.

Q&A in plenary sessions included the following points (with responses in italics):

- In addition to siting a geological repository for higher activity wastes, will there be a need to develop new regional or national facilities for the interim storage of intermediate level wastes (ILW) (London)? *There is a possibility of some consolidation of ILW at a smaller number of existing sites, but no plans for new regional or national storage facilities.*
- A local right of withdrawal will be necessary to ensure participation in the siting process and empowerment of local communities. Doesn't the potential role of the Infrastructure Planning Commission (IPC) sit uncomfortably with this (London and Preston)? *Planning reforms can be made to work alongside a siting process based on willingness to participate. There may be a role for the IPC, for example, if there is perceived to a conflict of interest between the role of a planning authority and receipt of a benefits package. The IPC could take the views of the local community into account in reaching a decision. Such issues need further consideration.*
- At what stage will high level geological screening take place to rule out unsuitable areas (London)? *It is proposed that this be done early in the process, following an initial expression of interest from an area, but prior to a decision to participate in the siting process.*
- What is the justification for the number of appointments to CoRWM from Scotland, given the position of the Scottish Government on geological disposal (Preston)? *Members were appointed on the basis of their ability to do the job, not on nationality.*
- Will potentially interested authorities be funded from the start of the process, for example, to cover the costs of community engagement to inform a decision about whether to participate (Preston)? *This issue has been discussed with NuLeAF. Government is likely to want to see some initial commitment before agreeing an 'engagement package' and will consider the issue further.*
- Is there a clear view on what constitutes a 'community' (Preston)? *A definition was proposed in the consultation paper and this has attracted a lot of comments. There has to be some flexibility on this to accommodate local circumstances.*

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- There is concern that landowners could express an interest without the support of their local authorities. Shouldn't the invitation process rule out such a possibility (Preston)? *The consultation paper made it clear that 'credible' expressions of interest will be sought, which are likely to require the involvement of the local authority. This issue has been discussed with NuLeAF, which has stressed the role of local authorities and the need for the invitation process to lay the foundations for partnership between local stakeholders.*
- Is the Government considering the setting up on an independent Trust Fund to ensure the well-being of future generations in the host community (Preston)? *This is one of the possibilities under discussion.*

The points made during group discussions included:

- Positive features of the proposed implementation framework include: basing the siting process on a local willingness to participate; recognition of the need for a 'win-win' situation from both national and local perspectives, including the need for a benefits package; and learning from international good practice (London).
- Concerns include: whether the Government will be speaking with one voice (the need for Treasury buy-in) and genuinely open to negotiation with local communities (London); the difficulty of raising the question of potential participation locally given the political sensitivity of the issue (London and Preston); whether the implementation framework will require revision if there is only participation from one area (London); the need for consistency across different engagement processes on radioactive waste management (eg MRWS, NDA and ISOLUS) (London); how to take into account the views of authorities on transport corridors (Preston); the timetabling of discussions about community benefits in relation to investigation of potential sites (Preston); whether there will be an 'off-set' package for authorities that participate, but are not ultimately chosen as the preferred site (Preston); and how to involve stakeholders on the ground and not just rely on local authority involvement (Preston).
- Suggested ways forward include: holding early discussions between potential local partners to see if there could be support for participation; enabling local communities to define the agenda for initial discussions with Government about the possibility of participation; seeking to ensure that Siting Partnerships involve all key stakeholders and that they engage effectively with local communities; not pre-defining a community benefits package, but seeing the process as a negotiation with local communities; undertaking the negotiations as early in the process as possible so there is clarity about what will be involved; being flexible if different communities need to move at different speeds; and being flexible so that the new process can be adapted to be made to work (not reverting to Decide-Announce-Defend).

Strategy for Managing Low Level Wastes (LLW)

Joanne Fisher's presentation outlined the following:

- NDA's plans for developing LLW strategy
- NDA's response to the Government's LLW policy
- The competition process for appointing a contractor to operate the LLW Repository near Drigg and to support the NDA in developing strategy
- The setting up of a National LLW Strategy Group (LSG) to input on developing strategy

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Q&A in plenary sessions included the following points:

- How can local authorities that are developing the core strategy within their Minerals and Waste Development Framework (MWDF) take into account possible developments in LLW management (London)? *There is a need for briefing material that outlines emerging strategy at the earliest opportunity.*
- There is a need to liaise with Regional Authorities so that the evidence base for planning can be made clear, including the scale and location of LLW inventories (London).
- Officers from the Local Government Association should be kept informed about the LSG and the development of LLW strategy (Preston). *NuLeAF will ensure that this is done.*
- Will the strategy review take into account the significant concerns that exist about the use of incineration as a method for managing LLW (Preston)? *The strategy review will carefully assess the option and its longer-term viability.*
- There are concerns that radioactive wastes should be retrievable – is this taken into account in developing plans for LLW management (Preston)? *Government policy for LLW is that following application of the waste hierarchy LLW should be disposed of without an intention to retrieve it.*
- Is there scope for decontamination to reduce the amount of Very LLW that goes to disposal (Preston)? *Yes, there is great emphasis on application of the waste hierarchy, including looking at ways of reducing the amount of lightly contaminated material that will be sent for disposal.*
- How will account be taken of the position of the Scottish Government in developing LLW strategy (Preston)? *A number of options will be considered in the LSG, including the possibility of developing a LLW repository in Scotland so that it can become self-sufficient. In the meantime, LLW will continue to be shipped to the LLWR near Drigg.*

The Proposal to Develop a LLW Disposal Facility at Hinkley Point (London)

Gerald Hudd's presentation at the London seminar covered the following:

- The nature of the proposed LLW disposal facility at Hinkley Point
- The issues raised by the scoping report
- The position re discussions about a package of community benefits
- Questions about the potential way forward

Questions about the potential way forward included whether there will be general acceptance of the principle of community benefits for nuclear projects and whether a coordinated approach should be taken by local authorities on this matter.

Points made in plenary following the presentation included:

- Government may take the view that a benefits package should only be available for facilities that serve a national function.
- There may be more than one route for negotiation of a package, including S106 or Section 7 of the Energy Act.

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- If the S106 route is used, there is a question about whether a 'unilateral undertaking' is the best way forward.

The Low Level Waste Repository near Drigg (Preston)

Richard Evans' presentation at the Preston seminar covered:

- The history of the LLW Repository near Drigg in Cumbria
- The nature of the repository
- The current position, including the planning application for vault 9
- Proposed policies for radioactive wastes in Cumbria's MWDF Core Strategy

Points made in plenary discussion included:

- What is the current position about a benefits package? *This is currently the subject of discussion with the NDA, so it is not possible to elaborate at this time, other than to say that the unique role of the LLW repository is recognised in these discussions.*
- Might there be a need to recover some of the wastes that were disposed to the LLWR in the early days of operation? *Non-intrusive investigations are being planned to establish whether there is a need to recover any wastes.*

The points made during group discussions across the two seminars included:

- Issues to take into account in developing proposals for new LLW disposal facilities include: problems at the LLWR near Drigg and the need for new facilities (Preston); the need for clarity about the wastes that the facility would take and the risks they pose (inventory, volume and activity) (London); whether wastes would be imported from other sites and application of the proximity principle (London); the end state of the site (London); the need to plug a gap in national planning policy guidance (London); feasibility (climate change, technical and financing) (London); the need to match the type of facility to the type of wastes (avoid over-engineering) (London); to be aware that local decisions could be over-ruled by the Secretary of State (London); the role of the regulators (London) and the need to ensure a robust regulatory framework (Preston); the need to address community concerns (London); and the need for communities to accept responsibility for managing wastes that arise in their area (Preston).
- There is a need for discussion about LLW management at non-NDA sites, including military and British Energy sites.
- Points for the LLW Strategy review include: clarity about the types of LLW and the risks they pose (Preston); clarity in short and long term implications of different types of disposal, including institutional controls, de-licensing and the site end states (London); whether the strategy is over-arching or site specific (London); the need not to create wastes where it can be avoided (Preston); the need for rigorous application of the waste hierarchy (Preston); the need to incentivise consignors to implement the waste hierarchy (London and Preston); a preference for managing wastes rather than disposing of them (Preston); the possibility of disposing of some LLW to the geological repository (Preston); the possibility of co-locating a near-surface LLW repository with the geological repository (Preston); the need to balance worker dose against volume reduction (Preston); the need for effective community engagement on site-specific proposals (London and

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Preston); the need to communicate in ways that are easy to understand (London and Preston); the information needs of 'nuclear' communities will be different from 'new' communities (Preston); the need for trust in the information and communicator (Preston); to increase awareness and knowledge of experience of LLS management at other sites (Preston); how to address the 'stigma' attached to anything radioactive (Preston); the need to increase public awareness and acceptability (Preston); and the need to ensure consistency with strategy for managing non-nuclear industry LLW (London).

NDA Stakeholder Engagement

Richard Griffin outlined the following:

- The background to the NDA's approach to stakeholder engagement
- The process review
- The engagement plan
- The local engagement review

Points made in plenary discussion included:

- There is considerable concern about the lack of consultation about the re-prioritisation of NDA spending, particularly at the sites most affected eg Winfrith (London). *The NDA acknowledges that this could have been handled better, and is looking to improve the way it consults with its stakeholders.*
- The NDA should distinguish more between different types of stakeholders and recognise the statutory roles of local government. It should engage more directly with local authorities but recognise the resource burden this places on them (Preston). *The NDA does categorise its stakeholders according to impact and influence and seeks to engage with them accordingly. It will be clarifying the role of the Site Stakeholder Groups (SSGs) and can consider providing guidance about when to engage more directly with local authorities. It will bear in mind the resource implications.*
- Clearer guidelines are needed for SSGs so that there is a more consistent approach across the UK (Preston). *The NDA will be looking to produce guidance setting out minimum standards for SSGs.*
- The NDA is entering a critical period, including preparations for the siting programme for a geological repository. There is a need to explain more clearly how different activities fit together, ranging from option assessment workshops on specific waste streams, through to the NDA's over-arching strategy. *NDA acknowledges the issue and will seek to show the overall narrative of decision processes.*
- How robust will the new Business Plan be – will years 2 and 3 be subject to further change? *There is some flexibility in estimates for years 2 and 3.*

The points made during group discussions across the two seminars included:

- The recent end state consultation was too open, with insufficient consideration of regulatory and planning processes, and technical/financial feasibility (London).
- The recent re-prioritisation of spending was not communicated/consulted upon well. The NDA needs to improve this, so that SSGs can develop a position of trust between the

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NDA and local communities. SSGs should act as a two-way conduit for information and communication between the NDA and local communities (London and Preston).

- SSGs should act as the voice of the communities local to the site. They should be independent and provide a forum for bringing community representatives together. They should also communicate developments to the local community, acting as an 'informed bridge' to the community. There may be a need to review SSG membership because it reflects historic practices and has been largely self-selecting. The minutes of SSGs need to be taken on to local authority agendas (Preston).
- Some local authorities already have well-established relationships with Site Licensee Companies (SLCs), but the dynamics within each local authority is different. It is important to remember that local politics are involved. NDA may also need to engage separately with local authorities on strategic issues, possibly via the SLCs (London).
- SLCs and the NDA need to engage directly with local authorities on issues relating to their statutory functions, including local economic well-being, the environment and planning. Expertise on these issues resides in the local authorities (Preston).
- Key messages for the review of the NDA's over-arching strategy are: engagement during the review must start early and be meaningful; the review should be open and transparent; feedback about how points have been addressed or why they have been discarded is important; existing methods and relationships should be use during the review; there should be a clear timetable of what will be engaged upon and when; and there is a need to identify the right contacts within local government (London). The NDA should communicate in plain English (Preston).

The Non-Routine Transfer of Radioactive Wastes

Fred Barker's presentation covered:

- The current position on inter-site transfers
- Examples of what might change
- The relevant policy, strategy and planning frameworks
- Community benefit funds

Points made in plenary discussion included:

- It would be useful for NDA to see a schedule for the development of local authority MWDFs (London). *NuLeAF will find out whether a schedule exists showing when different local authorities are expected to reach the main stages of development of their MWDFs.*
- For different developments the relevant question should be what is the appropriate level of community benefit fund, rather than whether there should be such a fund (London).
- In addressing the community benefits question, account should be taken of experience across the non-nuclear sector, particularly on S106 agreements (London).
- For authorisations for radwaste transfers, there is a need to avoid an over-regulated approach (London).

The following points were made during group discussions:

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- The proximity principle should be taken into account when considering the case for inter-site transfers (London). Sustainability considerations suggest that where avoidable wastes should not be exported to other sites. A clear justification would need to be developed (Preston).
- Decisions about inter-site transfers should not be taken in an ad hoc fashion between individual sites, but should be explicitly linked to the development and implementation of the NDA's over-arching strategy. For significant potential transfers, there may be a case for involving the recipient local authorities in the assessment of options (BPEO assessment). It would be possible to apply to modify a planning permission to allow a facility to be used for managing wastes from other sites, but this would require community engagement (Preston).
- There is a need for guidance to planners on emerging NDA strategy. Real possibilities need to be anticipated in developing appropriate planning policies. It should be noted that there is an increasing emphasis on site specificity in MWDFs. There is a need for a 'Beginners Guide', clarifying the evidence base, strategic optioneering and suggesting a standardised approach. EA factsheets might be useful (London).
- There are tried and tested principles for community benefit packages from across different types of development (covering mitigation of impacts and recognition of a regional or national role). One possibility that might be considered as a benefit at a Magnox site is an agreement to increase spending on decommissioning and clean-up (London).
- One possibility may be to use a benefits package to provide a 'flagship' for the use of local landfill for Very LLW (Preston).
- Discussions about potential inter-site transfers need to recognise local political realities not just planning issues. Historically, there has often been political opposition to imports of wastes from other sites (London)

Way Forward

NuLeAF will use the seminar outputs to inform discussion about its work programme over the coming months. In particular, they will inform:

- future discussions between NuLeAF, Government and NDA on repository siting;
- NuLeAF input to NDA LLW strategy development;
- the preparation of proposals to the NDA about ways of improving processes of local stakeholder engagement;
- NuLeAF input to the review of overall NDA strategy.

Feedback from seminar participants (see annex 1) will also inform arrangements for future NuLeAF events and work programmes.

NuLeAF seeks to keep member authorities up to date with developments through circulation of an e-bulletin. Further information about NuLeAF initiatives can be found on its website (www.nuleaf.org.uk).

Finally, local authorities are encouraged to provide regular feedback to NuLeAF about their involvement in local discussions about nuclear legacy management. This feedback will help inform NuLeAF's work and future activities.

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Annex 1: Summary of Feedback

Participants were asked to complete feedback forms. 20 forms were returned. Overall, participants found the seminars of considerable value and welcomed the opportunity to discuss issues with colleagues from other local authorities and from national bodies. Specific responses are summarised in the table below:

SUMMARY OF FEEDBACK	
Question	Comments and numbers
What worked well?	Speaker presentations 10 Break-out discussions 8 Networking opportunities 3 Coverage of topics 2 Well structured day 1 Well organised event 1 Speakers answering all questions 1 Time-keeping 1
What could be improved?	Size of room (London) 5 Increased representation from councillors 3 Some presentations shorter or sharper 2 Hearing a Govt response to discussion 1 Addressing wider planning issues 1 Acoustics of small group discussions (Preston) 1 A less formal setting for plenary discussion (Preston) 1
Topics for future NuLeAF events?	National radwaste strategy and options 2 The role of the planning system, including MWDFs and RSSs 2 Role of community benefits packages 2 Alternative approaches to LLW management 2 Issues arising from on-site disposals and opportunities for using landfill 1 Details of LLW inventories and implications for management 1 The role of local authorities in facilitating responses from areas in volunteer processes 1 NDA socio-economic policy 1 Impact of funding cuts on clean-up and decommissioning 1 Development of national facilities for waste treatment 1 Interfaces between national and local politics and technical/regulatory processes 1
Topics for future NuLeAF work eg Briefing Papers?	How to address radwaste developments in planning 4 Research to inform the evidence base for planning 1 How to avoid knee-jerk opposition to involvement in siting facilities 1 Liaison with local communities about siting new facilities 1 Identifying issues requiring Govt policy development 1 Encouraging local authority communication 1 Safety aspects and hosting disposal facilities 1

Annex 2: Participants

LONDON: 29 November 2007

Cumbria County Council	Sue Brett, Nuclear Issues Manager
Dorset County Council	Andy Price, Head of Planning; Chair, Minerals & Waste Committee, Planning Officers Society
Kent County Council	Sharon Thompson, Head of Planning Applications Group Susan Tipping, Planning Officer
Oxfordshire County Council	Peter Day, Minerals & Waste Policy Team Leader
Plymouth City Council	Robin Carton, Public Protection Service Manager Nicola Horne, Environmental Protection & Monitoring Unit Manager
Somerset County Council	Gerald Hudd, Group Manager, Scientific Services
Suffolk County Council	Cllr Eddy Alcock Cllr Julian Swainson, Vice Chair, NuLeAF David Palk, Development Mgr; Planning Officers Society
Vale of White Horse District Council	Tim Williams, Senior EHO
London Borough of Wandsworth	Cllr Malcolm Grimston
DEFRA	Dr Robert Jackson, Leader, MRWS Implementation Planning Group
East of England Regional Assembly	Deborah Sacks, Regional Waste Planning Officer
South East England Regional Assembly	David Nkrumah-Boateng, Planning Manager
Environment Agency	Dr Phil Heaton, Team Leader, Nuclear Regulation Team Chris Lloyd, Nuclear Regulator Doug Withey, Nuclear Regulator
Nuclear Decommissioning Authority	John Dalton, Head of Communications, RWM Directorate Dr Jo Fisher, LLW Strategy Manager Richard Griffin, Stakeholder Relations Manager
Magnox Electric Ltd	Dr Adam Meehan
Scott Wilson Ltd	James Bisco, Senior Consultant
NuLeAF	Fred Barker Christine del Corral

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PRESTON: 4 December 2007

Isle of Anglesey County Council	Cllr John Roberts, Chair, Wylfa SSG Meirion Davies, Principal Planning Officer
Allerdale Borough Council	Cllr Mike Davidson Charles Holmes, Head of Regeneration
Copeland Borough Council	Cllr Allan Holliday, Chair, NuLeAF Fergus McMorrow, Director
Cumbria County Council	Shaun Gorman, Head of Environmental Regulation Service Stewart Kemp, Nuclear Issues Manager
Durham County Council	Cllr Ken Manton, LGA Environment Board
Flintshire County Council	Cllr Kevin Jones Andy Macbeth, Environmental Services Manager
Fylde Borough Council	Cllr Bill Thompson Mike Walker, Consumer Well-being & Protection Manager
Lake District National Park Authority	Katrina Rice, Policy Planner
Lancashire County Council	Cllr Tim Ashton Peter Mayes, County Analyst & Chief Scientific Adviser Chris Fellows, County Laboratory Richard Sharples, Planning Officer
DEFRA	Dr Robert Jackson, Leader, MRWS Implementation Planning Group
Environment Agency	Andrew Fairhurst, Nuclear Regulator Steve Fisher, Nuclear Regulator
Nuclear Decommissioning Authority	Dr Jo Fisher, LLW Strategy Manager Richard Griffin, Stakeholder Relations Manager Matthew Clark, LLW Technical Support Manager
UK Nuclear Facilities Monitor	Penny Hitchin, Senior Reporter
University of Durham	Dr John Walls, Senior Research Associate
Nuclear Waste Management Organization (Canada)	Ken Nash, President Kathryn Shaver, Vice President, Corporate Affairs Liz Dowdeswell, Special Advisor to the Board
NuLeAF	Fred Barker Christine del Corral

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