

Meeting:	NuLeAF Steering Group, 29 January 2008
Agenda Item:	5
Subject:	Management of Low Level Radioactive Waste
Author:	Fred Barker
Purpose:	To report on developments

Introduction

This report covers:

- An update about the Low Level Waste Repository (LLWR) near Drigg
- Arrangements for overseeing the development of NDA LLW strategy
- Discussion about LLW management and community benefits
- A proposal to produce a Briefing Paper for local authority planning officers
- Development of strategy for managing non-nuclear industry LLW

The report draws on discussion at:

- the NuLeAF regional seminars (see extract from the seminar report at Annex 1) and
- the second meeting of the LLW Officer Working Group (see note of the meeting at Annex 2).

Recommendations

That the Steering Group agrees:

- 1 That the Executive Director should represent NuLeAF on the NDA LLW Strategy Group and report back to meetings of the LLW Officer Working Group and to the Steering Group.
- 2 To consider a full report on LLW management and community benefits at its next meeting, including the possibility of developing a national framework.
- 3 That a Briefing Paper on policy and strategy for managing radioactive wastes should be produced for local authority planners to inform preparation of Minerals and Waste Development Frameworks.

The LLWR near Drigg

An update is provided in the note of the second meeting of the LLW Officer Working Group (Annex 2). This explains that:

- The planning application for development of vault 9 (to be operated as an interim store pending resolution of long-term safety case issues) would be determined on 22 January
(<http://www.cumbria.gov.uk/CouncilMeetings/Content/Public/2976/39461135425.pdf>.)
- An in principle agreement for a community benefits fund is now in place. Although the precise arrangements and payments are to be agreed, it is likely that an initial payment of £10 million will be made, followed by £1.5 million per year of waste emplacement in the new vault (see also [West Cumbria Community Fund](#)).
- It is likely that the preferred bidder for the contract to operate the LLWR will seek to introduce new waste management practices to extend the life of the LLWR facility, including increasing emphasis on development and use of additional LLW management facilities across the UK.
- The proposed local planning policy to only accept wastes to the LLWR from sites outside West Cumbria for a further 5 years is likely to be reconsidered in the light of proposals for more effective use of the facility. The county council will continue to press for LLW to be managed at the sites at which it arises.

A further update will be provided verbally at the SG meeting.

Arrangements for Overseeing the Development of NDA LLW Strategy

The NDA is establishing a national nuclear industry LLW Strategy Group (LSG) to promote innovation, value for money, application of the waste hierarchy and planning for effective approaches to disposal. NDA are inviting NuLeAF and Cumbria County Council to be members of the LSG (NuLeAF from a national policy perspective and Cumbria CC as planning authority for the LLWR near Drigg). The Group is likely to hold its first meeting in March and then once every two months thereafter.

The meetings of NuLeAF's LLW Officer Group will be scheduled so that the work of the new Strategy Group can be discussed in a timely manner and the views of the officer group fed back. It is also proposed to report regularly on the work of the LSG to the SG.

The SG's attention is also drawn to discussion at the regional seminars, where the following points were made about the issues that should be taken into account in developing LLW Strategy:

- clarity about the types of LLW and the risks they pose;
- clarity in short and long term implications of different types of disposal, including institutional controls, de-licensing and the site end states;
- the need not to create wastes where it can be avoided;
- the need for rigorous application of the waste hierarchy;

- the need to incentivise consignors to implement the waste hierarchy;
- a preference for managing wastes rather than disposing of them;
- the possibility of disposing of some LLW to the geological repository;
- the possibility of co-locating a near-surface LLW repository with the geological repository;
- the need to balance worker dose against volume reduction;
- the need for effective community engagement on site-specific proposals;
- the need to communicate in ways that are easy to understand;
- the information needs of ‘nuclear’ communities will be different from ‘new’ communities; the need for trust in the information and communicator;
- to increase awareness and knowledge of experience of LLW management at other sites; how to address the ‘stigma’ attached to anything radioactive;
- the need to increase public awareness and acceptability; and
- the need to ensure consistency with strategy for managing non-nuclear industry LLW.

LLW Management and Community Benefits

A meeting between authorities from Cumbria and Somerset to discuss LLW developments and community benefits took place on 13 November. The meeting considered the nature of the proposed facilities at the LLWR (vault 9) and at Hinkley Point (a LLW disposal facility) and the scope for community benefits.

The SG will note the comment made at the London seminar that Government may take the view that a benefits package should only be available for facilities that serve a national function. There are, however, arguments that a benefits package should be provided, for example, where a facility is developed on an existing nuclear site to manage wastes across a period of many generations, or which takes LLW from sites within the region. It is intended to report fully on this issue to the SG meeting on 30 April in Kendal.

Briefing Paper for Local Authority Planning Officers

The LLW Officer Group considered the suggestion at the regional seminars that NuLeAF should produce a Briefing Paper to help local authority planners address radioactive waste developments in Minerals and Waste Development Frameworks.

The group considered the outline scope attached as an annex to the note of the LLW Officer Group meeting (annex 2).

The group agreed that:

- it was well worth producing such a briefing;
- the proposed scope was appropriate;
- a draft should be prepared as soon as is practicable;
- comments on the draft could be provided electronically; and
- it would be desirable to establish whether the briefing could be disseminated via the RTABs and be made available on the POS website.

It is proposed that the SG endorse the proposal that a Briefing Paper on policy and strategy for managing radioactive wastes be produced for local authority planners.

Development of Strategy for Managing Non-Nuclear Industry (NNI) LLW

A Programme Board has been established by DEFRA to develop and recommend a NNI waste strategy for the UK. Strategy development is to be informed by data collection about waste arisings and assessment of management options. The aim of the Board is to make recommendations by the end of 2008. It is anticipated that a period of formal consultation on the proposed strategy would then take place.

The Executive Director is in discussion with DEFRA about holding a joint meeting between Board members and the LLW Officer Group to discuss how the NNI strategy should address planning issues. It is recognised that a consistent approach is needed to planning for nuclear industry LLW. This meeting is likely to take place towards the end of June, when emerging strategy would be clearer.

ANNEX 1: EXTRACT FROM REGIONAL SEMINARS REPORT (Dec 07)

Strategy for Managing Low Level Wastes (LLW)

Joanne Fisher's presentation (London and Preston seminars) 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

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 seminar)

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.
- 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 seminar)

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 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).

NULEAF LOW LEVEL WASTE OFFICER WORKING GROUP

DRAFT note of the meeting held on 18 December 07, LG House

Present:

Fred Barker	NuLeAF
Richard Conway	Purbeck DC
Peter Day	Oxfordshire CC
Stewart Kemp	Cumbria CC
David Palk	Suffolk CC
Mark Woodger	Essex CC

Apologies:

David Davies	Copeland BC
Richard Greaves	Essex CC
Gerald Hudd	Somerset CC
Barry James	Somerset CC
Clive Pink	Suffolk Coastal DC
Kerry Rickards	Sedgemoor DC
Andy Price	Dorset CC
Tim Williams	Vale of White Horse DC

1 Note of the Meeting on 3 October

The note of the meeting on 3 October was agreed as an accurate record and would be placed on the NuLeAF website.

FB reviewed the actions. He reported that:

- The meeting between authorities from Cumbria and Somerset to discuss LLW developments and community benefits had taken place on 13 November. It had been agreed to hold a further meeting in the New Year to review progress and consider the possibility of developing a national approach.
- The NuLeAF Steering Group had agreed that it was appropriate to consider developments in the management of non-nuclear LLW in so far as they may impact on nuclear legacy management.
- Actions on MWDFs and planning guidance would be considered under item 5.
- NuLeAF's application for funding to the JRCT for a project on addressing public concerns about LLW management had not been successful. FB would be reviewing whether a scaled down version of the project could still be undertaken.

2 Update on Developments at Specific Sites

SK reported on developments associated with the LLWR near Drigg in Cumbria. The planning application for development of vault 9 (to be operated as an interim store

pending resolution of long-term safety case issues) would be determined on 22 January.

An in principle agreement for a community benefits fund is now in place. Although the precise arrangements and payments are to be agreed, it is likely that an initial payment of £10 million will be made, followed by £1.5 million per year of waste emplacement in the new vault.

The proposed local planning policy to only accept wastes to the LLWR from sites outside West Cumbria for a further 5 years is not likely to be adopted, although the CC will continue to press for LLW to be managed at the sites at which it arises.

Action: SK to circulate further details when the planning decision has been taken.

SK also referred to the preferred bidder for the contract to operate the LLWR and develop the NDA's LLW strategy. It was likely that the preferred bidder will seek to introduce new waste management practices to extend the life of the LLWR facility, including increasing emphasis on development and use of additional LLW management facilities across the UK.

FB reported that the position on the proposed LLW facility at Hinkley Point was similar to that reported to the last meeting, with the possibility of an application in early 08.

MW reported that his authority had recently approved a variation to permission for waste processing plant on the Bradwell site. The original permission had been accompanied by an agreement under the Highways Act for local road improvements.

3 NDA LLW Strategy Development

FB reported on discussions with the NDA about the setting up of a national nuclear industry LLW Strategy Group (LSG) to promote innovation, value for money, application of the waste hierarchy and planning for effective approaches to disposal. NDA have agreed that NuLeAF and Cumbria County Council should be members of the LSG (NuLeAF from a national policy perspective and Cumbria CC as planning authority for the LLWR near Drigg). The Group was likely to hold its first meeting in January and then once every two months thereafter.

FB proposed that LLW Officer Group meetings be scheduled so that the work of the new Strategy Group could be discussed in a timely manner and the views of the officer group fed back. FB would fulfill this role as NuLeAF representative on the LSG. Members of the group agreed that this was an appropriate way forward.

Action: Report backs from the LSG to be a regular item on the agenda of the LLW Officer Working Group. FB to provide feedback on the views of the working group to the LSG.

4 Management of Non-Nuclear Industry (NNI) LLW

FB reported on the work of the Programme Board that had been established by DEFRA to develop and recommend a NNI waste strategy for the UK. Strategy development would be informed by data collection about waste arisings and assessment of management options. The aim of the Board was to make recommendations by the end of 2008. It was anticipated that a period of formal consultation on the proposed strategy would then take place.

Representation on the Programme Board includes Rob Murfin (Y&HA RTAB) and Derek Greedy (Warwickshire CC). Their role is to advise on existing and planned facilities for municipal, commercial and industrial wastes that might also be used for NNI wastes; and to advise on the format of the strategy for NNI waste disposals, such that LAs can be expected to take account of its contents in their planning frameworks.

FB reported that DEFRA had indicated that there might be scope for holding a joint meeting to discuss how the NNI strategy might include material that amounts to planning guidance. It is recognised that a consistent approach is needed to planning for nuclear industry LLW.

The group agreed that a joint meeting would be useful later on in the Programme Board's work, when emerging strategy would be clearer.

Action: FB to contact DEFRA to indicate interest in a joint meeting at an opportune time.

5 Addressing LLW Management in Minerals and Waste Development Frameworks (MWDFs)

FB reported that participants at the recent NuLeAF seminars had suggested that NuLeAF should produce a Briefing Paper to help local authority planners address radwaste developments in MWDFs. He circulated an outline scope for discussion (see annex).

The group agreed that:

- it was well worth producing such a briefing;
- the proposed scope was appropriate;
- a draft should be prepared as soon as is practicable;
- comments on the draft could be provided electronically; and
- it would be desirable to establish whether the briefing could be disseminated via the RTABs and be made available on the POS website.

Action: FB to seek clarifications from DEFRA as indicated in the outline scope and to provide a draft for comment as soon as is practicable. FB to contact Deborah Sachs about dissemination. DP to find out about posting the briefing on the POS website.

FB asked whether a central record was kept of the progress of MWDF preparation across the country. DP reported that an overview might be available from PINS. Alternatively, RTABs could provide a regional picture.

Action: FB to check PINS on progress of MWDF preparation across the country.

SK circulated copies of Cumbria CC's proposed changes to its MWDF core strategy, which addressed radwaste management. Consultation on the proposed changes had recently ended and comments were being reviewed.

DP explained that Suffolk CC was at the start of its work on the waste aspects of its MWDF. He anticipated that a meeting would be held with the NDA to identify relevant issues.

6 Future Meetings

It was agreed that the next meeting should be held in the w/b 25th February.

Action: FB to arrange the next meeting of the group.

ANNEX: OUTLINE SCOPE OF PROPOSED NULEAF BRIEFING PAPER FOR LOCAL AUTHORITY PLANNERS

It is suggested that the paper provide a high-level summary of the following:

- The main categories of radioactive wastes (HLW, ILW and LLW – Nuclear Industry (NI) and Non-Nuclear Industry (NNI)), with reference to where further details are available
- The main categories of management routes available for the different waste categories, in both the short and long-term
- Government policy applicable to the different wastes, including recent policy statements on LLW management and the long-term management of higher activity wastes. DEFRA to be asked to clarify what policy applies to the interim management of higher activity wastes.
- Relevance of PPS10 on Planning for Sustainable Waste Management (including objectives and principles). DEFRA to be asked to clarify the applicability of PPS10 to radwaste.
- Emerging strategy for managing radioactive wastes, including the NDA's existing strategy (06), current thinking in the development of revised NDA strategy, and development of a strategy for managing NNI LLW. To include the possibility of the non-routine transfer of radioactive wastes between sites. NDA to be asked to comment on the draft of this section.
- Regulatory guidance on (a) the management of higher activity wastes at licensed nuclear sites and (b) authorisations for the disposal of solid radioactive wastes.
- The scope for local authority involvement in industry optioneering studies for developing local approaches to radioactive waste management (with reference to recent examples).
- Approaches to securing community benefits (with reference to the LLWR near Drigg).