

Meeting:	NuLeAF Steering Group, 15 July 2009
Agenda Item:	4
Subject:	Consultation on the UK Strategy for Managing Low Level Wastes (LLW) from the Nuclear Industry
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Purpose:	To report on developments and recommend the key points to include in a consultation response

Introduction

This report covers:

- background information on the key drivers influencing the NDA's proposed LLW strategy;
- the outcome of pre-consultation discussion between NDA and NuLeAF;
- the outcome of the three NuLeAF seminars on LLW strategy in May;
- the outcome of the NuLeAF Officer Working Group meeting on 9 June;
- reporting to the LGA Environment Board; and
- the key points for a consultation response.

Recommendation

That the Steering Group agree the key points for the consultation response as outlined in this report.

Contribution to Achieving Strategic Objectives

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

- To seek to ensure that LLW Strategy is developed and implemented in ways that can inspire local authority and public confidence.
- In the context of implementation of the waste hierarchy and subject to suitability of the nuclear licensed site in question, to encourage development of local or regional LLW management facilities at existing nuclear sites, rather than at non-nuclear sites.

1 Background

Strong cost and disposal capacity drivers have influenced development of the NDA's proposed LLW strategy. On costs, LLW liabilities are estimated at £10 billion, with the NDA targeting a reduction of 10%. On disposal capacity, NDA states that the remaining capacity of the LLW Repository near Drigg in Cumbria is around 0.7 million cubic metres, subject to planning and regulatory approvals. Based on projected waste arisings¹, a new national LLW repository could be required by the mid 2030s. Because of the costs involved and difficulty in siting national disposal facilities, NDA is very keen to push this date back as far as possible.

Against this background, strategy development has been based on three key themes:

- Application of the waste management hierarchy
- Making best use of existing assets (including optimised use of the LLWR)
- Opening and exploiting new disposal routes

During the course of the strategy review, NDA identified a large number of initiatives that could be taken, many of which involve reliance on the supply chain to offer the use of, or develop, facilities away from existing nuclear sites, including metal treatment, incineration and landfill ("off-site initiatives").

2 Outcome of Pre-Consultation Discussion between NuLeAF and NDA

Development of the LLW strategy has been informed by discussion at the NDA's LLW Strategy Group, which includes NuLeAF and Cumbria County Council as members (the latter as the Waste Planning Authority for the LLWR). As reported to previous NuLeAF SG meetings, during the last year discussion in this group made it clear that NDA intended to place considerable emphasis on "energising the supply chain" to deliver off-site initiatives.

Both NuLeAF and Cumbria CC have stressed that an emphasis on 'off-site' initiatives will raise significant concerns within local government and require widespread public debate. Concerns are likely to include:

- transport of VLLW/LLW within local communities;
- increased pressure on the limited remaining capacity at existing landfill sites;
- potential adverse economic impacts on a local area caused by negative perceptions of the use of facilities for LLW treatment or disposal; and
- the risk of opposition from local communities.

NuLeAF proposed that, where practicable, it would be better for LLW management and disposal facilities to be concentrated on or adjacent to existing nuclear sites. It argued that in many cases the use of purpose designed facilities under the supervision of nuclear site management would be more likely to be acceptable to local communities.

¹ Predicted arisings of LLW are three million cubic metres, covering a broad spectrum of activity levels and materials. Approximately 60% is declared as Very Low Level Waste or mixed VLLW/LLW. The figure does not include large volumes of potentially contaminated land that is yet to be characterised.

As a result of discussion, NDA has modified its proposals by stressing the importance of waste consignors undertaking assessments to identify the best practicable approach at a local level, including a comparison of on-site and off-site initiatives, and taking into account local community views. However, NDA still proposes to place reliance on the supply chain, in preference to centralised investment, which could militate against the development of facilities at or adjacent to existing nuclear sites.

3 Outcome of NuLeAF Seminars on the Proposed LLW Strategy

In order to promote discussion of the proposed strategy within local government, NuLeAF organised seminars in Manchester (7 May), London (12 May) and Taunton (14 May), with presentations on the regulation of LLW management, proposed NDA strategy for managing LLW and proposals for LLW strategy for the Non-Nuclear Industry².

The report on the seminars is available on the NuLeAF website (www.nuleaf.org.uk). In total, 48 people participated, including representatives from 29 local authorities, the Greater Manchester Geological Unit, Merseyside Environmental Advisory Service, the supply chain, the Planning Inspectorate and the Environment Agency.

An overview of points made at the seminars was considered at NuLeAF's LLW Officer Working Group on 9 June (see below).

4 Outcome of a Meeting of the LLW Officer Working Group

Three key outputs of the meeting were:

- A summary of headline points that might be made in response to the proposed LLW strategy (see the Annex to this report). It is proposed that these points form the basis of a formal response to the NDA consultation (see section 6 below).
- The suggestion that a meeting be held between NDA and planners to discuss what the LLW Strategy and/or National LLW Plan needs to cover in order to provide more adequate guidance to planners (see in particular point 10 in the Annex). The ED has subsequently written to the NDA to request that such a meeting take place.
- The suggestion that the secretariat review the ways in which the source and types of waste managed at a specific facility can be controlled through planning agreements or conditions. Members of the Officer WG have been asked to provide examples.

5 Reporting to the LGA Environment Board

As agreed at the last meeting of the SG, the ED submitted a report on the proposed LLW strategy to the Environment Board for its meeting on 29 June.

The report to the LGA included a summary of headline points (similar to those in the Annex to this report), and sought delegated authority for the Chairman of the Environment Board to agree a final consultation response following feedback from discussion at this meeting of the SG. This was agreed by the Environment Board.

² Consultation on strategy for managing LLW from non-nuclear industries is likely to start in the autumn.

6 Proposed Response to the Consultation

The NDA consultation was launched on 5 June and runs until 11 September. The consultation document is available on the NDA website (www.nda.gov.uk).

The consultation document contains 14 specific consultation questions, several of which require a detailed technical understanding of waste management techniques in order to respond in a substantive way.

It is recommended that the Steering Group agree that the key points in the Annex to this report form the basis of a formal response to the NDA consultation.

ANNEX: POINTS ARISING FROM THE NULEAF SEMINARS AND LLW OFFICER WORKING GROUP

This note summarises the ‘headline’ points that might be made in response to the proposed strategy, taking into account discussion at the NuLeAF LLW seminars in May and a meeting of the NuLeAF LLW Officer Working Group on 9 June.

Key points are:

- 1 NuLeAF supports the emphasis in the consultation paper on implementing the **Waste Management Hierarchy** (WMH) and recognises the need to open up **new management and disposal routes for LLW and VLLW**.
- 2 However, as recognised in the consultation paper, the proposed strategy raises difficult issues with regard to **public perceptions and acceptability**. NuLeAF therefore welcomes statements in the consultation paper that:
 - “... public acceptability is vital to the development of appropriate waste management plans and their implementation.” (p21)
 - “Development and use of ... new [waste management] routes should consider issues of public acceptability and the community vision for the area in which they are taking place.” (p38)
 - “The use of alternative disposal routes needs to meet the relevant safety requirements ... and be demonstrated to be the Best Practicable Environmental Option by the consignor site, this should include consideration of community issues both at the consigning and receiving sites.” (p39)
 - “... it will be essential to undertake careful and considered engagement with local communities where the implementation of this strategy leads to proposals for new waste management facilities or changes in approach to LLW management.” (p45).
- 3 NuLeAF also welcomes the importance that the proposed strategy attaches to the **option assessments** that should be undertaken by consignors at a **local level**. Local factors will be critical to identifying preferred options for managing LLW from specific nuclear sites. The option of developing LLW/VLLW disposal facilities on or adjacent to nuclear sites should be fully addressed in such assessments. The views of local communities and their local authorities should be taken into account in option assessments. It is noted that Govt policy (March 07) contains requirements for **early community input** to development of programmes and plans.
- 4 There would be concerns, however, about the NDA’s proposed **reliance on the supply chain** to deliver waste management solutions, in preference to centralised investment in new infrastructure, if this were to militate against the use or development of LLW management facilities on or adjacent to nuclear sites where

local assessment has shown that this would be the best approach. In the latter case, the NDA should encourage or enable the supply chain to undertake development at or adjacent to nuclear sites, or be prepared to invest centrally in such facilities (see also point '8' below).

- 5 Notwithstanding the *relatively* small (but uncertain) volumes of LLW/VLLW involved, strategy should recognise the **strong trend away from disposal of non-radioactive wastes to landfill**. Disposal to landfill that is sited away from existing nuclear sites should only take place where it can be clearly demonstrated to be the best practicable disposal option, and after rigorous application of the WMH. Even then, it is likely that many local authorities and communities will have difficulty endorsing such an approach.
- 6 As recognised in the consultation document (p39), when undertaking option assessments, consignors should pay explicit and due regard to the **proximity principle**, as required by Government LLW policy (March 07). In addition, local community views on what constitutes "due regard" should be taken into account in the assessments.
- 7 Strategy should address the approach that should be taken in areas where no local disposal routes are available or foreseeable (see point '8'). Sites in other areas should not become **regional facilities by default** (see point '10').
- 8 There are considerable risks and uncertainties in placing reliance on the supply chain to deliver waste management facilities and to open up new disposal routes. The reference in the consultation document to development of **contingency plans** is welcome (p57-58). The approach of centralised investment, however, should not just be viewed as a contingency, but as part of strategy where such investment is necessary to implement best practicable options (see point '4') and to ensure the availability of appropriate local or regional facilities (see point '7').
- 9 The proposed strategy acknowledges the LLW management needs that may arise from a **new nuclear build** programme (p47). Strategy should encourage local LLW management option assessments to take these potential needs into account. The case for developing LLW facilities on or adjacent to existing nuclear sites should consider the potential for offering a commercial service to operators of new build that neighbour such sites.
- 10 Further consideration is needed of the way in which the final strategy (or associated national plan) will provide adequate **guidance for national, regional and local planning authorities** (p45). Preliminary views are that strategy or plan should:

- Provide a **sufficient evidence base** for planning, with data about the volumes and types of LLW and VLLW arisings on a region by region basis, an indication of the timing of such arisings, and information about existing and reasonably foreseeable facilities for managing LLW and VLLW in each region.
- Highlight the importance of **early dialogue with the local Waste Planning Authority** (WPA) for the purposes of (a) waste planning and/or (b) development control. This should include early dialogue with the WPA when authorisations for disposal are sought.
- Highlight the importance of early discussions with the relevant WPAs and regional planners where a facility may develop a “**regionally significant**” role.
- Where authorisations for disposal to existing facilities are sought, make it clear that the operator should enter into discussion with the WPA to take advice on whether **planning permission** might also be required. This should be considered on a case by case basis, taking into account the original permissions and conditions for operation of the site.
- Where planning permissions are needed for developing new or existing facilities, recognise that planning needs and/or impacts may arise that should be addressed through the provision of Community Funds based on negotiation of **planning obligations**.