

Meeting:	NuLeAF Steering Group, 15 October 2009
Agenda Item:	4
Subject:	Low Level Wastes (LLW) Strategy and Developments
Author:	Fred Barker
Purpose:	To report on developments

Introduction

This report covers:

- NDA consultation on the proposed UK LLW Strategy;
- the UK nuclear industry LLW Management Plan;
- initiatives undertaken following the meeting of NuLeAF's LLW Officer Working Group on 10 September 2009; and
- the forthcoming seminar on case studies in radwaste management and planning.

Recommendation

That the Steering Group ask the Executive Director to enter into discussion with the NDA and LLWR Ltd to seek further detail about key initiatives in the LLW Management Plan, with a view to review and comment where appropriate.

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 NDA Consultation on Proposed UK LLW strategy

NuLeAF's proposed response to consultation on the UK LLW Strategy was discussed at the Steering Group (SG) meeting in July. The comments at [Consultation Response on UK LLW Strategy](#) were submitted to NDA in September on the delegated authority of the Chair and Councillor Swannick.

NDA has established an internal consultation review panel, which will identify points that may require a change of drafting or strategy. It will publish a generic response to the points made during consultation, and aims to produce a final draft strategy for Ministerial review and sign-off at the end of the calendar year. It will then publish a final version of the Strategy.

2 The UK Nuclear Industry LLW Management Plan

The NDA and LLWR Ltd have also jointly published a national LLW Management Plan. This sets out the proposed approach to implementing the strategy, providing outline plans for the way in which 54 strategic initiatives will be carried forward. The plan is available on the LLWR Ltd website at [LLW Management Plan](#) (note that the file size is 3.3 MB).

A brief report on the Management Plan was given at the meeting of the NDA's LLW Strategy Group on 8 September, which was attended by the Executive Director.

Given the previously expressed concerns of the SG, the following initiatives are likely to be of particular interest (with the NDA schedule and initiative codes in brackets):

- Developing a Waste Management Hierarchy Guidance Document (by November 09, WAM1)
- Developing a new service for metal treatment (service roll out is scheduled for November 09, WT2)
- Commissioning an independent study on optimising the use of existing incinerator capacity in the UK (schedule for study unclear, but roll out of service anticipated in June 2010, WT3)
- Promoting re-cycle and re-use of waste in construction projects outside the nuclear industry (from June 2010 onwards, RR4)
- Development of alternative disposal routes for VLLW, including landfill (framework subcontracts and consignor document from early 2010, WD2)
- Development of a guidance document for developing business cases for on-site or near-site disposal of VLLW (to be prepared between November 2009 and February 2010, WD3)
- Development of a national strategic business case for on-site or near-site disposal of LLW (to be prepared between November and December 2009, WD4)
- Undertaking a feasibility study into the near-surface disposal of short-lived ILW (scheduled for June to September 2010, WD6)
- Undertaking a feasibility study into the use of transport hubs, the increased use of rail transport, and integration with Spent Fuel transport (scheduled for August to September 2010, Trans 1-3).

A number of questions arise, including progress with the early initiatives, the scope for review and comment on draft documentation, and what final documentation will be

publicly available. It is recommended that the SG ask the Executive Director to enter into discussion with the NDA and LLWR Ltd to seek further detail, with a view to review and comment where appropriate.

3 Recent Initiatives

The following initiatives were undertaken after the meeting of NuLeAF's LLW Officer Working Group on 10 September:

- Input to NDA on spatial planning – the text at Annex A has been submitted to NDA for potential inclusion in the final version of the UK LLW Strategy
- Request for a meeting with regional planners – the paper at Annex B has been sent to regional contacts with a request for a meeting to discuss the way forward on a regional level.

The working group also gave preliminary consideration to the way in which planning conditions or agreements might be used to control the source or type of wastes that could be managed at a specific facility.

Based on a brief review of recent examples, key points appear to be that:

- Any condition has to have a planning purpose otherwise it may be liable to successful challenge
- An authority will be on stronger ground if a development plan policy sets out reasons for limiting the source or types of wastes.
- Such reasons appear to apply more to geographic sources rather than types of wastes (for example to promote net county self sufficiency and communities taking responsibility for their own wastes)
- There are examples of conditions and S106 agreements that provide various limits to the amount of wastes to be taken from outside an administrative or defined area. These include “no wastes”, “only where capacity remains that is not required to meet the needs of the county”, and “no more than 25% of the wastes”.

Further discussion is taking place within a number of member authorities and the outcome will be reported to the SG when available.

4 Forthcoming Seminar

Finally, the July meeting of the SG agreed to delegate authority to the Executive Director to make the necessary arrangements for a seminar on case studies in radwaste management and planning. The draft agenda for the seminar is at Annex C. It is proposed to organise the seminar for early Spring 2010.

Annex A: Draft Text on Spatial Planning for Potential Inclusion in the NDA's UK LLW Strategy Document

There are three places in the Strategy Document where reference to spatial planning could be made:

- Section 2.3 Regulation of Radioactive Waste (p15) – a paragraph on planning to sit alongside those on environment, safety, security and safeguards
- A new Section 6.3 Working with Planners (p45) – some paragraphs on the high level principles about working with planners
- Appendix 2 Regulation of LLW (p64-65) – a sub-section with more detail on planning.

Each is considered in turn.

Section 2.3

Proposed text is as follows:

“Planning

Land use planning in the UK is the subject of the Town and Country Planning Act 1990 and associated regulations as amended. It operates through two interlinked processes: the provision of policy frameworks in spatial plans, and the control of development. The policy adopted in plans is the predominant “material consideration” in determining a planning application for a specific development. For this reason, land use planning in the UK is often said to be ‘plan-led’.

In England and Wales, national planning policy is set out in Planning Policy Statements (PPS). PPS10 sets out Government policy on Sustainable Waste Management. It explains the objectives and principles that regional planning bodies and waste planning authorities should meet in preparing and delivering their planning strategies for waste management.

In Scotland [to be added]”

The primary focus of plan making is then at regional and local levels:

- Regional Spatial Strategies¹ set out a spatial plan for the region that must conform with Government policy.
- Minerals and Waste Development Frameworks (and where still applicable local waste plans) cover local authority planning policy for waste, and must conform to national planning policy and the relevant Regional Spatial Strategy.

New Section 6.3

The current Section 6.2 ends with the following para:

¹ Note the Government is proposing to combine economic and regional spatial strategies in ‘regional strategies’ (www.communities.gov.uk/news/corporate/1306254)

As per paragraph 31 (sic) of the UK LLW Policy (ref 1), the final strategy will provide guidance for national, regional and local planning authorities as necessary in the preparation of planning strategies and their appraisal.

It is suggested that an amended version of this be used at the start of a short section on 'working with planners'. The following text is proposed:

“Working with Planners

As stated in UK LLW policy (ref 1 para 32), the final strategy should be used as guidance by national, regional and local planning authorities when preparing and reviewing their planning strategies for waste management.

Waste producers and operators should recognise the importance of early dialogue with Waste Planning Authorities (WPAs) to help inform (a) the preparation of local waste development documents and (b) the handling of planning applications. As PPS10 highlights, it is important to work in constructive partnership with WPAs as delays can arise if a proposed development is not adequately conceived or does not pay due regard to local planning policies. In contrast, where proposals reflect those policies and their preferred locations for waste management facilities, applicants should expect expeditious and sympathetic handling of planning applications (paras 37-38).

PPS10 also highlights the complementary nature of planning and pollution control regimes (para 27). Where authorisations for disposal to existing facilities are sought, the operator should enter into discussion with the local 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.

NDA recognises that planning authorities will require a sufficient evidence base, 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. This evidence will be provided in [form depends on further discussion with NDA].“

Appendix 2 [to be drafted]

If thought useful, this could include a brief overview of:

- The objectives and principles set out in PPS10
- The Government's proposals to combine economic and regional spatial strategies in 'regional strategies'
- The nature of Minerals and Waste Development Frameworks and the main stages in their preparation.

Annex B: Addressing Radioactive Waste Management at the Regional Level

1 A number of developments suggest that it would be timely to more actively encourage regional planning bodies to address radioactive waste management:

- A number of regions are considering how to move forward on the issue (the East of England, the East Midlands and the South East);
- Deborah Sachs, a regional planner in the East of England has suggested it might be opportune for NuLeAF to meet with the RTAB chairs;
- The NDA is willing to produce documentation providing more of a regional evidence base; and
- The Government has published a consultation paper that includes a draft Policy Statement on Preparing Regional Strategies (see appendix for key points and the full documentation at www.communities.gov.uk/news/corporate/1306254).

2 One approach to suggest to the RTAB chairs and regional planners may be for them to review relevant documentation from the NDA (LLW Strategy, regional LLW evidence base, Integrated Waste Strategies ...) with a view to addressing the following questions:

- How significant is the management of radioactive wastes in the region?
- Is additional management and disposal capacity needed in the region?
- What are the options for managing radioactive wastes in the region? Have preferred options been identified by radwaste producers? Should the options be subject to sustainability appraisal at the regional level?
- What are the most appropriate locations for providing facilities for managing radioactive wastes?
- Is there a need for a specific policy or strategy on radioactive waste management in the region (eg akin to policy on hazardous wastes)?

3 We might expect such reviews to take into account:

- The overall trends towards local and regional self-sufficiency in waste management, and away from the use of landfill
- The potential need for provision of specialist facilities on a regional or across-regional basis
- The strong preference of some local authorities to concentrate waste management facilities at or adjacent to existing nuclear sites
- Potential public confidence issues around aspects of implementation of the waste management hierarchy (eg the widespread use of recycled materials from the nuclear industry)

Appendix to Annex B: Key Points from the Draft Policy Statement on Preparing Regional Strategies

Regional Strategies will combine the current economic and regional spatial strategies into a single integrated vision.

They will have an important statutory role as part of the planning system. Local development documents must be in general conformity with them.

Government does not want to prescribe a specific model for regional strategies, but they should:

- set out an agreed vision over 15-20 years
- identify key regional challenges
- have a strong spatial dimension
- focus on sustainable economic growth
- set out regional and sub-regional specific policies
- identify the most appropriate locations for development

Regions have started progressing work on revising their strategies.

A separate implementation plan should set out long, medium and short-term actions to implement the regional and sub-regional policies.

The level of detail in the policies will vary according to the policy topic, the way it is to be implemented and regional circumstances.

The policies should be needed because they:

- provide a regional or sub-regional framework to assist local delivery
- support national programmes
- steer activities, plans and investment of strategic projects.

Responsible regional bodies should identify options for delivery of the policies, which should be subject to sustainability appraisal.

Annex C: Draft Agenda for Seminar on Radioactive Waste Management and Spatial Planning

The following agenda is suggested:

11.00 Welcome and Introduction

11.05 Setting the Scene: Policies and Strategies for Radioactive Waste Management (Fred Barker)

11.30 The Regional Dimension: Addressing Radioactive Waste Management in Regional Strategies (an RTAB Chair/regional planner?)

11.55 The Local Dimension: Addressing Radioactive Waste Management in Minerals and Waste Development Frameworks (a LLW Officer WG member?)

12.20 At table discussion: what are the key elements of good practice?

12.45 Report back to plenary

1.00 Lunch

1.30 Case Studies in Development Control

(a) The Dounreay LLW Disposal Facility (Highland RC)?

(b) The Studsvik Metal Recycling Facility (Cumbria CC)?

(c) The Kings Cliffe Hazardous Waste Landfill Application (Northamptonshire CC)?

2.30 Panel Q&A

2.45 At table discussion: what are the elements of good practice in how key issues are addressed?

3.15 Report back to plenary

3.30 Close