

<b>Meeting:</b>	NuLeAF Steering Group, 23 <sup>rd</sup> October 2013
<b>Agenda Item:</b>	4
<b>Subject:</b>	An update on developments in Low Level Waste (LLW) Management
<b>Author:</b>	Phil Matthews
<b>Purpose:</b>	To provide an update on developments in LLW Management

### **Introduction:**

This report covers:

- An update on DCLG consultations on the Waste Management Plan for England and PPS10 revision
- Report on the Low Level Waste Delivery Overview Group (LLW DOG) meeting held on 19 August Report on LLW Regulators meeting
- Update on NuLeAF work on the Duty to Co-operate

### **Recommendation:**

The report is for noting.

### **Contribution to 2012/13 Service Plan:**

The activities described in this report relate to the following Key Tasks:

*Revise NuLeAF guidance to local authorities on model local policies in view of changes to legislation and national planning policy.*

*Monitor revisions of local policies for radioactive waste management and encourage consistency between policies for radioactive waste management within local development waste plans.*

*Continue to engage with regulators to align permissions for V/LLW disposals with LA planning permissions. Update NDA regularly of revisions to local planning policies relevant to this issue.*

*Encourage SLCs to consult with communities impacted by site waste management plans (inc. 'Duty to Cooperate').*

## **1. An update on DCLG consultations on the Waste Management Plan for England and PPS10 revision**

In July, Defra undertook a short consultation on the Waste Management Plan for England (WMPE). The consultation was limited in scope, being based around a short series of set questions. NuLeAF submitted a response to the consultation<sup>1</sup>, raising concerns about the lack of integration between radioactive waste planning and other waste management.

DCLG also launched a consultation on an updated national waste planning policy on sustainable waste management, to replace PPS10<sup>2</sup>. This consultation closed on 23 September and NuLeAF again submitted a response<sup>3</sup>.

Mark Plummer and two other DCLG civil servants, all of whom have responsibility for waste planning, attended the NuLeAF Radioactive Waste Planning Group (RWPG) in September to discuss the consultations and the current situation regarding radioactive waste planning guidance.

Mark Plummer confirmed that the intention is to produce guidance in parallel with the new policy, hopefully later this year. He pledged to circulate this NuLeAF before publication.

He also advised that the reason that there was no National Planning Policy Framework on radioactive waste was that it was not included in the list of primary legislation for the term of this parliament. It could be covered in a later parliament, but only if demand warranted inclusion.

## **2. Report on the Low Level Waste Delivery Overview Group (LLW DOG) meeting held on 19 August**

NuLeAF attended the LLW DOG meeting held in Manchester on 19 August. Invitations to the DOG have been extended to the SLCs, the result of which was a better attended meeting, with over 40 people present.

NuLeAF Executive Co-Director Phil Matthews delivered a presentation on the Duty to Co-operate research currently underway. Awareness of the Duty was mixed but there was an interest in its potential to impact on radioactive waste management. The presentation was followed by a short discussion, the focus of which was the appropriate level of consultation required for VLLW/LALLW<sup>4</sup> shipments.

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<sup>1</sup> [Comments on proposal for Waste Management Plan for England](#)

<sup>2</sup> <https://www.gov.uk/government/consultations/updated-national-waste-planning-policy-planning-for-sustainable-waste-management>

<sup>3</sup> [Comments on updated national waste planning policy \(PPS10\)](#)

<sup>4</sup> Very Low Level Waste/Low Activity Low Level Waste

The meeting received an update on the **National Programme**. This is progressing in line with targets except for diversion of materials to landfill which is somewhat behind due to some challenges in opening up certain supply routes.

Looking forward, some key current /planned projects are on:

- Undertaking a gap analysis of the national strategy on LLW management
- Completing a strategic study on soft solid waste, that is wastes that are soft or semi-solid at room temperature
- Building up a database of Orphan wastes, that is non-standard types of waste that cannot currently be disposed of at LLWR Ltd
- Feeding into the Strategic Review 2013 and looking at the issues around permitting to enable the effective use of disposal routes

The **Environment Agency (EA)** offered their perspective on the LLW programme. Particular questions raised included:

- What is the Plan B if there is no extension on the permits to Lillyhall and Clifton Marsh? The EA view is that LLWR Ltd/NDA should provide a clearer picture of planned alternatives and that there must be a greater emphasis on local solutions wherever possible.
- The Agency is also looking into the issues raised by RSRL's proposal to use VLLW as landscaping material onsite at Harwell. Their view is that this still constitutes disposal and needs to be permitted, even if the material will soon be out of scope of regulation. They do appear to accept there may have to be some rethink on this but are challenging those proposing this to set it out in terms of Best Available Technique (BAT) and also explain the implications for de-licencing.

It was also announced that the EA has accepted that LLWRs **Environmental Safety Case** is 'adequate' to support a revised permit for continued disposal of LLW at the LLWR. An application for this will be submitted in the autumn and following consultation they hope to have a new permit by next summer. There may be conditions on the permit that will affect operations – particular issues include the disposal of asbestos on site.

The Scottish Environmental Protection Agency (SEPA) presented on the developing **NORM<sup>5</sup> Strategy**. SEPA has a dedicated webpage on this and are happy to provide more information if required. Key issues for the new NORM Strategy include an assessment of whether there is a capacity gap for NORM in term of disposal and whether current policy and regulation is providing barriers to the supply chain in offering solutions. Assessing likely future arisings is also proving very challenging.

There was feedback on the **stakeholder survey** and a group discussion on the service currently provided. Generally people seemed happy with the

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<sup>5</sup> Naturally Occurring Radioactive Materials

service but a range of suggestions were made. The key points from the feedback will be written up and circulated.

### **3. Update on NuLeAF work on the Duty to Co-operate**

NuLeAF has been commissioned by the Low Level Waste Repository (LLWR Ltd) to undertake research on the Duty to Co-operate, and the implications for future management of Low Level Waste (LLW), particularly Very Low Level Waste/Low Activity Low Level Waste (VLLW/LALLW).

The Duty to Co-operate (DtC) came in to force through the Localism Act 2011. Under the DtC the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. The Duty also requires engagement with organisations other than neighbouring local authorities and with remote sites where they will be affected by proposed plans.

The Duty to Co-operate is relevant to radioactive waste management, and strategic priorities across local boundaries will need to be properly co-ordinated and reflected in local plans. The research has involved a desk review and phone interviews with national government, local authority planners and other experts. A discussion of the issues around DtC was held with NuLeAF's Radioactive Waste Planning Group and LLWR at the RWPG meeting on the 5<sup>th</sup> June.

A draft report has now been prepared but NuLeAF is still awaiting comment from LLWR before circulating it more widely.