

NuLeAF Radioactive Waste Planning Group

Draft Note of the meeting held on 5 June, 2013 at Local Government House, Smith Square, London.

1. Attendance:

Trevor Brown	Oxfordshire County Council
Bob Chamberlain	Suffolk Coastal District Council
Catherine Draper	NuLeAF
Gillian Ellis-King	South Gloucestershire Council
Richard Evans	Cumbria County Council
Denice Gallen	Copeland Borough Council
Mike Garrity	Dorset County Council
Stewart Kemp	NuLeAF
Philip Matthews	NuLeAF
Louise Nurser	Lancashire County Council
John Prosser	Kent County Council
Phil Watson	Northamptonshire County Council
Cath Giel	Low Level Waste Repository Ltd
Dave Rossiter	Low Level Waste Repository Ltd

Apologies:

Doug Bamsey	Sedgemoor District Council
Lillian Harrison	Kent County Council
Guy Robinson	Somerset County Council
Phillip Rowson	Maldon District Council

2. Note of the meeting of 12 December, 2012

The note of the meeting was agreed as correct and would be posted on the website.

Action: CD

3. Matters Arising

3.1 Item 4 (25 Sept 2012) – we are still waiting for information from Juliet. PM will chase.

Action: PM

3.2 Item 4 (25 Sept 2012) SK said that feedback from both the Site Restoration and Integrated Waste Management TOGs would be taken as standard agenda item for future meetings.

Action: SK/CD

4. Discussion of research for Low Level Waste Repository Ltd

4.1 PM introduced the item. A paper had been circulated prior to the meeting outlining the work which was being funded by LLWR Ltd regarding changes to the planning system, and in particular the impact of the introduction of the Duty to Cooperate (DtC) on radioactive waste management. PM asked the meeting for comments, which are given below under the general headings of the research areas.

4.2 General changes in the planning system and their impacts on radioactive waste management.

4.2.1 Cumbria County Council is promoting the piece of policy which backs up PPS10 and the requirement for communities to take responsibility for their own waste in the forthcoming public enquiry into their Waste Local Plan.

4.2.2 Now it is known that the National Waste Management Plan for England (WMPE) will not address radioactive waste management there is a big gap in guidance to local authorities. Who do you look to when dealing drawing up local plans? The previous assumption had been that ILW and HAW would be sent to the Geological Disposal Facility (GDF) but following the hiatus in the MRWS process, that is now no longer the case (for the present). If PPS10 is removed from guidance there will be a vacuum which needs to be addressed. Will DECC draw up planning guidance on how to address radioactive waste issues?

4.2.3 There is a lack of coherence in how NDA strategy is interpreted. The Planning Inspector who conducted the Hearing in Public at Somerset said that NDA strategy is guidance not policy; however, the Planning Inspector at the King's Cliffe inquiry interpreted it as policy. Under European legislation government is required to provide planning guidance for radioactive waste management and it is DECC's stated view that NDA strategy provides this.

4.2.4 A fundamental issue is whether or not compliance with the Duty to Cooperate implies there must be agreement between cooperating bodies. This is problematic where opposite view points are held by bodies which are required to comply with the DtC. How will the local authority be judged to have fulfilled its DtC requirements?

4.2.5 Waste Planning Authorities need to meet objectively the assessed needs of their area. If they are not meeting the need, then who is? The failure to address needs has implications for other areas.

4.2.6 Current planning policy creates a separation between waste and radioactive waste. It serves to reinforce the negative view of radioactive waste and doesn't accept that there is continuity between the two categories. It would help local authorities if all waste treated as one waste stream. This could be achieved by including it in the National Planning Policy Framework as part of general waste regulation.

4.3 The Duty to Cooperate (DtC)

4.3.1 PM asked the meeting how DtC was impacting their area and for any views on how it should be addressed.

4.3.2 The Dorset Waste Plan isn't at a sufficiently advanced stage for DtC to have an impact, but with the earlier preparation of other plans impact was limited. However it is now becoming apparent inspectors are being much more rigorous and looking for evidence that local authorities have complied with DtC. MG's opinion was that for legal reasons local authorities don't need to agree over issues to be compliant with DtC, but they do for the plan to be found sound. It implies the ability to deliver. One issue which has arisen is how should smaller arisings of radioactive waste, e.g. hospital waste, be addressed?

4.3.3 PW stressed that local authorities should not assume that their LLW waste arisings would be sent to the King's Cliffe facility for disposal. While local authorities cannot make waste site operators come forward in their area, they can make policies which would enable facilities to be built should an operator wish to do so.

4.3.4 JP clarified that the 'other organisations' with whom local authorities must demonstrate DtC referred to in the Localism Act were the same as the statutory consultees for a planning application, but would also include LEPs and local environmental organisations. It could be argued that if a local authority's policy was to send to radioactive waste to LLWR then there was an implicit requirement to consult with Copeland and Cumbria (though only Somerset, Northamptonshire and Oxfordshire have).

4.3.5 It was felt that the DtC was more appropriate for addressing housing needs and not 'designed' for dealing with waste issues, and that planning law had been designed with housing in mind. Disposal sites are in private hands and market forces can influence their location. These issues are beyond local authority to control. The danger is that the process becomes diluted with everyone consulting everyone else on everything.

4.3.6 It was felt that government was failing to address the issues and needed to put in place a national strategic framework with guidance on waste thresholds and how issues/conflicts should be resolved. Government departments also need to cooperate within themselves. Indications are that DCLG will produce guidance on DtC in Mineral Plans. They need to be pushed to provide the same for waste and to differentiate between different planning streams i.e. housing etc.

4.3.7 It was also felt that there was a lack of overall control and consistency. There was no mechanism for monitoring compliance and although the Inspector at the Somerset hearing had given considerable time and weight to DtC the policy was found sound even though it didn't address Low Level Waste issues.

4.3.8 LN offered to circulate a letter received from the Planning Inspectorate by Lancashire regarding DtC.

Action: LN/CD

4.4 Data on waste arisings

4.4.1 A general issue of concern is at what quantity of waste, is it deemed necessary for a local authority to consult? It was apparent that the DtC was making local authorities consider in greater detail the waste streams which arose in their area and their disposal routes and the permissions which disposal sites hold. Authorities are using the Environment Agency (EA) waste interrogator to find ascertain what's going where.

4.5 Low Activity Low Level Waste (LALLW) and Very Low Level Waste (VLLW) issues

4.5.1 The meeting was asked to comment on how Waste Plans can be focused on dealing with LALLW and engagement on LLW Policy and Strategy, and on the issue of when stakeholder engagement should be carried out.

4.5.2 Industry is looking for a practical and meaningful way to fulfil its obligations which doesn't place an impractical burden on either itself or local authorities. If individual sites approach each 'nuclear' local authority the time and manpower involved would be prohibitive.

4.5.3 Policy requires sites to engage with local authorities in the early stages of drawing up their waste plans. However, due to the uncertainty as to the eventual disposal route for individual waste streams it is difficult to identify who should be engaged and is not necessarily practicable because of multiple disposal options.

4.5.4 SEPA has taken the view that consultation takes place when the planning application is made as is instanced in their decision to send waste from Chapelcross to Cumbria and Northamptonshire without consulting either authority. However, it can be argued that this approach goes against national policy. A community protest will be taking place in Cumbria following the SEPA decision as the local community feels it wasn't actively engaged.

4.5.5 It should be recognised that public meetings were held ahead of the first application for disposal of LLW to King's Cliffe, where RSRL explained what would be involved. It was an attempt at community engagement.

4.5.6 Further complication is created by the need to consult with District and Parish Councils at the disposal site.

4.5.7 One approach being considered by LLWR would be to take responsibility for engagement on one waste stream e.g. VLLW. A meeting would be arranged between representatives from LLWR, landfill operators, Site

Licensee Companies, Cumbria, Lancashire and Northamptonshire County Councils and a strategic overview of operations for the next 12 month given.

4.5.8 It could be considered that the development of further landfill sites is being stifled because LLWR state that there is sufficient capacity for disposal of LLW waste streams for the next 20 years, subject to planning applications currently submitted being granted. As waste disposal is market driven, there is no incentive for new sites to be developed. However, it should not be assumed that planning permissions will be granted. If planning permissions are not granted then that would change market dynamics. However, currently not aware of any other operators interested in coming forward because not sufficient quantity of waste to make it economically viable.

4.5.9 The Low Level Waste Strategy should encourage other landfill sites to come forward, then the proximity principle could be applied more appropriately, and it would help if the situation arose where a site had planning and permit permissions, but the community did not want the waste. Capacity should not be the only criteria, but also willingness for a community to accept the waste.

4.5.10 A proliferation of facilities across the UK raises the issue of blight. It is therefore more appropriate to focus on specific areas. Also, there is not a business case for multiple sites because of capacity capability with existing sites (subject to approvals being granted).

4.5.11 Discussion has highlighted the need for clarity and guidance from government and NDA.

4.5.12 The UK Radioactive Waste Inventory was revised on 31.3.2013. NDA hope to release some analysis of the data in September/October of this year. This will feed into a strategic report which will present a 'state of the nation' picture. LLW strategy will be reviewed in 2014 taking the 2010 strategy as a starting point and considering whether there is a need for change. This work will be undertaken by NDA and LLWR.

4.5.13 SEPA has been tasked with developing Naturally Occurring Radioactive Material (NORM) waste strategy by Scottish Government, who were asked to lead on this by DECC. NORM waste principally arises from the oil, gas and fracking industries. A series of stakeholder workshops are expected to take place over the next 12-18 months. There may be some overlap between nuclear waste disposal sites and NORM disposal sites which could have a bearing on the market. However, there is currently little data available on the quantity of NORM waste.

4.5.14 DR updated the meeting on progressing the use of VLLW in the capping of the LLWR. Technical feasibility studies had been undertaken to assess the impacts on the Environmental Safety Case (ESC) and were currently being considered by EA. More work will be undertaken and a business case produced. The decision on whether or not to proceed with this

approach will be taken within the next financial year. At present, LLWR are under pressure to cap Vault 8 in the near term as part of the ESC. The use of VLLW in this cap is dependent on the correct type of waste being available at the appropriate time. It is not necessarily a cost saving exercise, however, LLWR are being encouraged in this approach by the local authorities and EA have not raised any objections.

4.5.15 The final draft of the paper to LLWR will be completed at the end of June and circulated for comment.

Action: PM

5. Update on national developments in radioactive waste management

5.1 Defra response to NuLeAF letter regarding coverage of radioactive waste management issues in the forthcoming National Waste Management Plan for England

5.1.1 The meeting expressed its concern that the content of the letter from Defra was unclear and requested that NuLeAF ask for clarification and that the letter be forwarded to Mark Plummer for comment.

Action: PM

5.2 Update on NDA's proposed review of their strategic position on Low Level Waste (LLW)

5.2.1 DR advised the meeting that there were 2 strands to the review – the Strategic Review and the Strategy Review. The Strategy Review will look back at 2010 UK Solid LLW Strategy and consider whether any modifications are required and a new strategy published in 2014. The Strategic Review will take place in this financial year and LLWR has already begun work. They hope to have a draft report by January 2014. The review will update the baseline and will include the national inventory for LLW, the cost of LLW management, LLW management plans, and look at opportunities to improve working practices.

5.2.2 Comments will be taken on the proposed strategic review. However, there will be a broader consultation undertaken for the strategy review which will include a programme of workshops and engagement activities.

5.2.3 DR agreed to provide a link to the waste metric dashboard on the LLWR website for circulation.

Action: DR/CD

The meeting agreed a vote of thanks to LLWR for all the work they are undertaking.

5.3 (& 5.4) Draft response to NDA invitation to comment on their Credible Options paper for Optimising the number and location of interim (i)ILW storage facilities, and (ii) FED Treatment Facilities on Magnox Limited and EDF Energy sites in England and Wales.

5.3.1 Draft responses had been circulated prior to the meeting. It was noted that the consultation deadline had been extended to 30 June.

Points raised during discussion were:

5.3.2 The need to underline the importance of early engagement and of understanding the local authority role including transport implications, levels of movement, how long radioactive waste will be stored on the site.

5.3.3 NDA should be reminded of the importance of engaging with NuLeAF and its membership.

5.3.4 The potential for combining LLW and ILW facilities should be highlighted.

5.3.5 SK requested that any further comments be sent to him in writing.

5.5 Disposal of NDA non-commercial assets

5.5.1 NDA has identified a number of non-commercial assets which will be available for disposal in the future as it looks to reduce its footprint. It is looking for local authority input as it develops proposals for disposing of the assets and would welcome the opportunity to have an informal discussion. CG gave an example: the local parish council is interested in a section of LLWR site to create community garden. This land cannot be used by LLWR who has made representation to NDA and are looking to de-license this area of the site early. LLWR is also looking at a new security plan which will involve shrinking the site boundary, which is compatible with the parish council's aspirations. Indications are that NDA are willing to engage.

Points raised during discussion were:

5.5.2 It was possible some communities would not want to take on the liability.

5.5.3 A joint development strategy is being developed by local authorities on heathland restoration and development mitigation at Winfrith. MG said he would be willing to have an informal conversation with NDA about proposal.

Action: SK

5.5.4 DR: there may be the opportunity to accelerate decommissioning at some other sites after Bradwell & Trawsfynydd are put into Care and Maintenance. This will be dependent on the outcome of the Parent Body

Organisation competition. It is equally possible that decommissioning at other sites might be deferred.

5.5.5 GEK: where new build is proposed it is important that nothing prejudices integrated of the sites in order to minimise the footprint of new stations.

5.6 Update on developments in the MRWS programme

5.6.1 SK introduced the item and a draft response to the call for evidence by DECC was circulated prior to the meeting. Points raised during discussion were:

5.6.2 It was important to get the process restarted as soon as possible. It should be underlined that there is no monetary cost to any authority engaging in the process.

5.6.3 Government should be looking at identifying suitable geology and then bringing forward a National Policy Statement (NPS). The map produced by Nirex was a starting point. Communities would be able to identify if they were in a potentially suitable location and should be made aware of what the benefits would be and engaging would incur no cost.

5.6.4 Much more work should be done amongst local authorities in any area before making an Expression of Interest i.e. the decision making process. Lessons can be learnt from the experiences of Shepway DC and the West Cumbria MRWS Partnership.

5.6.5 Government will always have the knowledge that 2 authorities have expressed an interest and that there is a clearly evidenced robust IPSOS MORI poll which indicates 50+% support for entering next phase.

5.6.6 Communities need to know exactly what Community Benefits will mean, how they will affect their community and who will receive what at what level within the community.

5.7 Submarine Dismantling Project

5.7.1 Current proposals are for the submarines at Rosyth & Devonport to be dismantled at those sites. MoD will look at all NDA/MoD and private sites to determine where the waste should go. One big storage facility is needed. Consultation will take place at the sites which are shortlisted.

6. Site Specific Updates

6.1 Copeland: A response will be sent to DECC on the call for evidence on the MRWS process. Currently going through core strategy adoption, with

some modifications out for consultation. Hope to adopt the CS in autumn. Will then move on to the site allocations.

6.2 Dorset: work has just begun on the Waste Local Plan. Current saved plan doesn't have anything on nuclear waste (2006) will need to address.

6.3 Lancashire: Hope to adopt site allocation policy in the autumn.

6.4 Northamptonshire: currently undergoing a partial review of adopted plans. These have been out for consultation and there have been few responses. The review does address radioactive waste. The Secretary of State must make a decision on the King's Cliffe applications no later than 22 July.

6.5 Cumbria: Regulation 19 consultation on strategic policies in the Minerals & Waste plan ended in April. A public inquiry is being held on 25 June regarding the refusal of the planning application for the disposal of LLW to Keekle Head site. Further information on the new planning application for vaults at the LLWR is expected on 21 June.

6.6 Suffolk: Work has begun on the Sizewell B Spent Fuel Dry Store. The final design raised the height by 2 metres as more robust containers were being used.

6.7 South Gloucestershire: – Core Strategy contains policies on new nuclear build and radioactive waste management. They have remained largely intact following inspection. The Planning Inspector clarified that Community Benefits addressed in the policy are outside planning.

6.8 Somerset: Currently working on minerals as we have been approached by a fracking company. Hinkley Point C has gone very quiet.

6.9 Oxfordshire: A joint Minerals & Waste Core Strategy was submitted in late October 2012. Hearings are have been under suspension since February 2013. The Inspector has asked for more work and set date of 31 May for the council to decide whether or not it wished to proceed with the current submission. The issues he raised were related to minerals, but also touched on the DtC. The Inspector has granted a further extension to 19 July as the council was unable to deal with issues at first cabinet meeting following the May elections. The CS contains a general policy on hazardous waste which includes radioactive waste. The Council resolved to grant planning permission for the Harwell ILW store. There was some discussion with RSRL on a Community Benefits package, but didn't get far because amounts of HAW going from Harwell to Sellafield which outweighed imports. There is a condition on store which relates to movements in to Harwell from Winfrith to those going out.

6.10 Kent: Timetable for work on Waste Plan has slipped by 6 months. Current intention is for pre-submission Minerals & Waste Core Strategy to have site specific policies for Dungeness.

6.11 LLWR: – The planning application for site optimisation and closure works was on hold subject to providing more evidence against Regulation 22. RE has been working with EA on Habits Regulation Assessment skeleton document, however there has been problems getting hold of the information required. EA will hold open day on climate change & coastal change on 20 September.

In response to a query from RE, DR agreed that a paper on the re-use of radioactive waste could be circulated amongst the group following its presentation at a meeting on 11 June. *[Note this agreement was subsequently withdrawn]*

7. Date of next meeting

The next meeting will be held on 5 September, 2013 at Local Government House, Smith Square, London

8. AOB

PM advised the meeting that the revised Briefing Paper on addressing radioactive waste management in Waste Local Plans would be published on the NuLeAF website shortly.

ACTIONS FROM RWPG, 5 June 2013			
Agenda item	Action	By	Status
2	Post note of 12 December meeting on website	CD	Done
3.1	Chase Juliet Long for information (see Actions 25 September 2012)	PM	
3.2	Include feedback from SR & IWM TOGs on all future RWPG papers	SK/CD	
4	Circulate draft report to LLWR	PM	
4.3.8	Circulate letter from PINS re DtC	LN/CD	Done
5.1.1	See clarification of content of Defra letter with author, and comment from Mark Plummer	PM	
5.2.3	Circulate link to waste metric dashboard	DR/CD	Done
5.5	Pass MGs contact details to Kim Baines, NDA re disposal of non-commercial assets	SK	Done
ACTIONS FROM RWPG, 12 December 2012			
Agenda item	Action	By	Status
4.2	Produce brief for workshop	JL/PM	
4.2	Produce supplementary guidance on radioactive waste issues	JL	
4.2	Approach Rob Murfin and Deborah Sacks for update on MWDFs	CD	
ACTIONS FROM RWPG, 25 September 2012			
Agenda item	Action	By	Status
4	Circulate for comment draft paper on planning 'weaknesses' for EA	PM	