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| Meeting: | NuLeAF Steering Group, 20 April 2010 |
| Agenda Item: | 5 |
| Subject: | Low Level Wastes (LLW) Strategy and Developments |
| Author: | Fred Barker |
| Purpose: | To report on developments |

Introduction

This report covers:

- issues discussed at the March meeting of the NDA's LLW Strategy Group;
- an update on local developments; and
- an update on discussions about potential regional approaches.

Recommendation

That the Steering Group agree that a NuLeAF Briefing Paper be published to highlight key points from the final version of LLW strategy and to provide a commentary on the implications for planning.

Contribution to Achieving Strategic Objectives

The initiatives 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.
- To encourage and assist the NDA, Site Licensee Companies and the supply chain to take full account of the role and needs of the local authority planning system in the implementation of LLW strategy.
- To encourage regional bodies to develop policy in Regional Strategies on the management of LLW (and VLLW)
- 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 Issues discussed at the March meeting of the NDA's LLW Strategy Group

As set out in the note attached as Annex A, the following issues were discussed at the March meeting of the NDA's LLW Strategy Group:

- LLW strategy
- Strategy implementation
- Article 37 (Euratom Treaty) and use of landfill
- Combustible wastes
- LLWR Ltd website
- Related topic strategies
- Future of the LLW Strategy Group

Attention is drawn in particular to:

- **LLW strategy** - at the time of writing the final version is with Government for approval. On publication, it is proposed that a NuLeAF Briefing Paper be published to highlight key points from the strategy and to provide a commentary on the implications for planning. This will draw on the points made in NuLeAF's comments on the proposed LLW strategy, and on recent discussions in NuLeAF's LLW Officer Working Group on the planning implications.
- **Article 37** - DECC have recently taken the view that those companies applying for permits to dispose of LLW to landfill (see update below) will have to make an Article 37 submission to the EC to show that no member states would be affected. The process for gaining Article 37 approval could delay the issue of permits for between 6-12 months.
- **Combustible wastes** - LLWR Ltd has received bids from 5 suppliers to treat segregated combustible LLW at plant in the UK, Europe and USA. Successful bidders will be announced in April. It is understood that LLWR have sought bids from incinerator operators already authorised to treat radioactive waste, but it is not clear whether the additional business could be done under their existing authorisations, or whether variations would be required. If variations are required the Environment Agency would need DECC's advice on whether the change is sufficient to trigger an Article 37 submission.

2 Update on Local Developments

An updated overview of the development of LLW disposal facilities is available on the NuLeAF website at [Spreadsheet overview](#). When information becomes available about the development of other types of LLW management facility these will be added to the overview.

The most notable development since the last Steering Group meeting is the unanimous refusal of planning permission for disposal of LLW to the landfill site near King's Cliffe in Northamptonshire (16 March). The reasons for refusal were given as:

- (i) There is no national level planning policy or guidance nor Development Plan policies at regional or local level that specifically deal with the management or disposal of LLW. The Development Control Committee therefore took the view that the application should be determined on its merits in the light of all the

material considerations. It considered that these do not justify approval of the application.

- (ii) The proposal is considered to be contrary to Policy 1 of the Waste Local Plan as it will not satisfy: the minimisation of, and balance in, the movement of waste across waste planning authority boundaries (except where the development involves specialised provision and is consistent with regional self-sufficiency); the minimisation of the transportation of waste from its source; or the Best Practicable Option of the waste stream.
- (iii) The development as proposed does not represent the Best Available Technique for dealing with LLW disposal.
- (iv) The perception of harm from the proposed development held by a significant number of residents in the local community is a significant material consideration sufficient to justify refusal of the planning application. (NCC ref: EN/09/01269/NCC)

It has subsequently been reported that the operator – Augean – will appeal the decision (see [BBC News - Appeal over radioactive dump plan for Northamptonshire](#)). When further information becomes available, a case study will be prepared for publication on the NuLeAF website.

In response to the suggestion at the January Steering Group meeting that the Environment Agency (EA) may be taking advice on the vulnerability of the King's Cliffe authorisation process to challenge, the secretariat has sought clarification from the EA who state that they are not taking any such advice.

3 Update on Discussion about Potential Regional Approaches

At NuLeAF's initiative, a meeting between NDA and regional planners took place on 5 March. This reviewed a high level regional breakdown of LLW arisings, and involved exploratory discussions about the implications for regional planning. The note of the meeting is attached at Annex B.

The Executive Director has subsequently written to NDA with suggestions about how discussion might be carried forward. A key question is the extent to which NDA/LLWR Ltd might be able to assist in providing a more detailed breakdown of regional arisings and management facilities. If NDA/LLWR Ltd were able to assist, a potential way forward might be to use the morning session of the planned NuLeAF seminar (possible date 20 September) to (a) present a case study of the evidence base and future capacity needs in one of the key regions and (b) discuss the implications for regional planning.

Based on presentation of the case study, questions for discussion at the seminar could include:

- Which types of management facility should a region seek to provide for more fully within its own jurisdiction?
- Should a 'hierarchy of preferred types of location' be endorsed and promoted at a regional level?¹

¹ The Scott Wilson report wrongly assumes that NDA would be adopting a 'hierarchy of location' in the UK LLW strategy.

ANNEX A: MAIN POINTS FROM THE MEETING OF THE NDA LLW STRATEGY GROUP, 3 MARCH 2010

LLW Strategy

The final version is with Government for approval. The strategy has been re-structured (compared with the consultation version), so that there is a clearer emphasis on key principles, planning and decision making. NDA described the key challenge in responding to consultation comments as around disposal options and locations, and that they have tried to mitigate concerns in the final strategy.

Strategy Implementation

Under a strong cost driver, LLWR Ltd is focusing on:

- improvements to the inventory and forecasting of arisings;
- consistency in assumptions and cost estimates; and
- targeted reductions in costs.

On the latter, particular emphasis is being given to challenges to “site self-sufficiency” in LLW treatment and disposal: wherever possible SLCs are being asked to avoid the costs of new construction and identify alternative approaches. This will inevitably encourage operators to look to use off-site facilities, or facilities at other nuclear sites.

Article 37 (Euratom Treaty) and Use of Landfill

Article 37 states that:

Each member state shall provide the Commission with such general data relating to any plan to dispose of radioactive waste, in whatever form as will make it possible to determine whether the implementation of such plans is liable to result in the radioactive contamination of the water, soil or airspace of another member state.

As there is no de minimus provision, DECC have recently taken the view that those companies applying for permits to dispose of LLW to landfill (at Clifton Marsh, King’s Cliffe and Lillyhall) will have to make an Article 37 submission to the EC. Although there is no question that other member states would be affected, the process to be gone through could delay the issue of permits for between 6-12 months.

Combustible Wastes

LLWR Ltd has received bids from 5 suppliers to treat segregated combustible LLW at plant in the UK, Europe and USA. The technical assessments of the bids will be completed this month, and successful bidders will be announced in early April. After that, LLWR Ltd intend to apply to EA for a variation to its RSA93 Authorisation to name the UK facilities involved as authorised routes.

When the relevant information is available, the sites in question will be added to the ‘LLW Developments’ spreadsheet ([LLW Developments](#)).

LLWR Ltd Website

The LLWR website has been developed and expanded (<http://llwrsite.com/>).

For example, a compendium of strategic technical briefs provides the background assessments that informed development of the LLW strategy. These include briefs on the evaluation of VLLW disposal sites, on-site disposal, combustible materials, risks and liabilities, and LLW from new build. Go to 'LLW Strategy' and then 'Strategic Documentation'.

The 'Pointers to Good Practice on Communication and Stakeholder Engagement' is also available at [Pointers to Good Practice](#).

Related Topic Strategies

Attention was drawn to progress with reviews of two topic strategies of relevance to LLW management: land quality management; and site end states.

On land quality, the NDA considers that the optimal approach to managing contaminated land should be identified on a case by case basis, but that, in broad terms, there is a hierarchy of preferences:

- in-situ management without intervention (most preferred)
- in-situ-management with intervention
- remedial ex-situ management
- ex-situ disposal (least preferred)

The land quality topic strategy summary is available at [Land Quality, Nov 09](#).

On site end states, the outcomes from previous consultation have been embedded in site lifetime plans, but NDA are considering placing a greater emphasis on "interim states", that would be the minimum level required for any use. The site end state topic summary is available at [Site End States, August 09](#).

Future of the LLW Strategy Group

NDA has decided to continue with the Strategy Group to focus on the "challenges and opportunities" in implementation of the LLW Strategy. The group will meet 3 times a year. The next meetings are on 7 July and 24 November.

ANNEX B: RADIOACTIVE WASTE MANAGEMENT AND REGIONAL PLANNING - MAIN POINTS FROM THE MEETING ON 5 MARCH 2010

Present

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| Fred Barker | NuLeAF |
| Mike Calloway | NDA |
| Richard Evans | Cumbria County Council (and NWRTAB) |
| David Palk | Suffolk County Council |
| David Payne | South East |
| Krista Patrick | North West |
| Deborah Sacks | East of England |

Main Points

MC provided an overview of the proposed UK LLW strategy, the 2007 UK Radioactive Waste Inventory and a summary sheet showing packaged waste volumes by region.

The inventory describes the sources, quantities and properties of radioactive waste arisings. The total volume of radioactive waste that exists or is forecast over the next century or so from existing facilities is about 3.4 million cubic metres. Of the 3.4 million cubic metres, about 93% is LLW, 7% ILW and less than 0.1% HLW. The inventory does not include all radioactively contaminated land, which is yet to be fully characterised. Further information about quantities of radioactively contaminated land is available in Defra/RAS/08.005 at www.nda.gov.uk/inventory.

By far the highest volume is forecast to arise in the North West, with an estimated packaged LLW volume of 2,382,312 cubic metres. For other regions in England, the forecasted packaged LLW volumes (cubic metres) include:

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| South East | 295,426 |
| South West | 167,994 |
| East of England | 100,813 |
| North East | 12,992 |

There is a continuing emphasis on refining waste forecasts (including the sub-category of VLLW) and on implementation of the Waste Hierarchy, so forecasts could change significantly. A new version of the UK Inventory is being produced, with a 'data freeze' scheduled for May/June this year.

The following points were made in the discussion that followed:

- Although the volumes involved in most regions are very small, the provision of management facilities, particularly away from existing licensed nuclear sites, can cause substantial public concern and be politically sensitive.
- The changing picture of forecast arisings and the increasing provision of management services by the supply chain, particularly for LLW, provide challenges for any 'planned' approach at regional level.

- It is incumbent on waste producers to undertake option assessments to identify preferred waste treatment or disposal routes.
- The study commissioned in the SE, which sought to identify regional needs, illustrates the challenge of developing appropriate recommendations against a backdrop of changing forecasts and proposals from the market. For example, a recommended LLW disposal facility to serve the SE and SW may not be needed in the short term if permissions are granted for disposal of LLW to the hazardous landfill site at King's Cliffe in Northamptonshire.
- Significant changes are taking place at a regional level, including the move to 'single regional strategies', which will combine economic and regional spatial strategies. The integrated strategies are intended to set out policies for addressing key regional challenges, focusing on sustainable economic growth and identifying the most appropriate locations for development. The level of detail in policies will vary according to topic, the way it is to be implemented and regional circumstances.
- In theory, regional policies on radioactive waste management might vary from 'do nothing' (rely on the market), to 'enabling' (generally support national strategies) or 'steering' (encourage development of facilities to match regional arisings and identify preferred types of location).

Next steps

The following steps were agreed:

- 1 DS/FB to put together a brief compendium of the approaches to policies on radioactive waste management that are being considered in the regions.
- 2 FB to take account of discussion at the meeting in planning for the NuLeAF seminar on radioactive waste management and planning that is likely to take place in September. Comments are invited on the draft agenda attached as an annex.
- 3 MC/FB to discuss how the discussion might be taken forward in a further meeting that may be held in association with a meeting of the NDA LLW Strategy Group (possibly around 24 November).