

## **NuLeAF LOW LEVEL WASTE OFFICER WORKING GROUP**

Draft note of the meeting held on 10 March, 2010 at London School of Economics.

### **1. Attendance:**

Fred Barker	NuLeAF
John Bennett	Dorset County Council
Emily Butcher	Hampshire County Council
Catherine Draper	NuLeAF
Richard Evans	Cumbria County Council
David Palk	Suffolk County Council
Phil Watson	Northamptonshire County Council

### *Apologies:*

Doug Bamsey	Sedgemoor District Council
Richard Conway	Purbeck District Council
Peter Day	Oxfordshire County Council
Kerry Rickards	Sedgemoor District Council
Lesley Stenhouse	Essex County Council
Tim Williams	Vale of White Horse District Council
Mark Woodger	Maldon District Council

### **2. Note of the meeting of 8 December, 2009.**

Item 5 Suffolk - should read that the Waste Core Strategy has been approved for submission.

Item 5 Cumbria – change 'A Public Hearing' to 'A Hearing in Public'

With these amendments the Note was agreed and will be posted on the NuLeAF website

***Action: FB/CD***

### **3. Matters Arising**

A table of actions had been circulated prior to the meeting.

Actions outstanding:

10/9/09 – seminar – anticipated date now September so that key developments can be addressed.

***Action: FB/CD***

8/12/09 – Counsel's opinion – DP tabled the opinion and outlined the key points. He agreed to produce a synopsis for circulation.

## **4. Update on local developments**

### ***Northamptonshire***

- The planning application to dispose of LLW to the King's Cliffe landfill will go to committee on 16 March. The link to the officer's report had been circulated to the group.
- NCC commissioned an independent expert to review the risk assessments submitted.
- The Environment Agency has indicated that it is minded to grant the authorisation for disposal.
- A training event for the councillors on the Development Control Committee was held on 26 February and was well received.
- The site operator has proposed a S106 agreement of £5.00 per tonne of LLW (anticipated disposal is of the order of 10,000s tonnes per annum). Monies would form a Community Fund for socio-economic projects in the area – exact terms have yet to be established. The basis for the agreement takes account of the perception of harm arising from the disposal of radioactive waste. 'Waste Watchers' protest group will make a presentation to the Committee prior to the decision being taken.
- The application does not include an extension to the life of the site and therefore disposal must cease and remediation take place by 31 August, 2013.
- Core Strategy has been found sound but Inspector emphasised need for early review and to address radioactive waste.

### ***Cumbria***

- The Environment Agency has asked for further information on the application for authorisation to dispose of LLW to the Lillyhall landfill.
- The application will require the operator to make a submission to the EC group of experts under [Euratom Treaty Article 37](#).
- CCC anticipate that a planning application for an extension to the life of the site will be made later this year.
- CCC will formally request further information on the Keekle Head planning application regarding waste arisings once consultation responses have been received. Application is unlikely to meet the initial April committee date.
- Site Allocation policy will be submitted on 30 April. No firm date has been set yet for Hearing in Public. Vault 9 is taking waste and the initial £10M payment to the Community Fund received and the first annual instalment of £1.5M.

### ***Lancashire***

- Planning application had been made to extend the life of the Clifton Marsh landfill to 2020.
- Anticipated committee date now 21 April, 2010.

- FB will send a summary of this group's discussions over the use of conditions to control waste sources to LCC.

**Action: FB**

- RE thinks that LCC's proposed Site Allocation Policy includes not to grant landfill lifetime extensions beyond 2015.

### ***Suffolk***

- Pre-submission consultation on Waste Core Strategy completed. No representations received on the proposed policies on radioactive waste management. Hearing in Public will take place last week of June and first week of July.
- Have received one or two enquiries from landfill operators regarding disposal of radioactive waste, however they do not want to get involved if a planning application would be required. British Energy has submitted an application under the Electricity Act to construct a store to take spent fuel from Sizewell B. The issue will be considered by SCC's Cabinet at the end of the April.
- ***Hampshire***
- HCC is under pressure from the Planning Inspectorate to partially review their Core Strategy.
- Officers are likely to recommend a wholesale revision. As part of the process, consideration will be given to coverage of radioactive waste.

### ***Dorset***

- DCC does not anticipate reviewing its Waste Core Strategy before 2012, as the Minerals CS is a priority.
- On the treatment of desiccant wastes from other sites, Winfrith has not yet been able to demonstrate 'established use' which is necessary to justify a Certificate of Lawful Use. Failure to do so could result in the requirement to submit a planning application.

## **5. Discussion: policy on LLW disposal to landfill**

FB had circulated a note prior to the meeting on requirements for planning permission and coverage in MWDF policies which included an outline of four potential policy statements for review and discussion.

After discussion it was agreed that a re-wording and combination of statements one and two may provide a way forward. RE agreed to redraft statements. EB suggested that the input on NNI strategy to last year's seminar also be checked for suitable wording. FB would re-circulate potential statements for comment.

**Action: RE/FB**

## **6. Update from NDA LLW Strategy Group, 3 March**

FB circulated a note prior to the meeting (as attached). Main points covered were:

Publication of the approved LLW Strategy is imminent. FB will produce a Briefing Paper highlighting key points, including a commentary of the implications for planning. It was agreed that a draft be circulated for comment.

***Action: FB***

- Strategy implementation
- Acticle 37 Euratom Treaty and landfill
- Combustible wastes
- LLWR Ltd website
- Related Topic Strategies
- Future of the LLW Strategy Group

## **7. Update from discussions with regional planners, 5 March**

FB circulated a note at the meeting summarising key points from the discussions. A final version of the note is attached.

FB outlined a possible way forward, involving a request to NDA for further work on the evidence base and discussion at the NuLeAF seminar planned for September. He will circulate next step proposals for comment.

***Action: FB***

## **8. Date of next meeting**

Proposed dates had been circulated prior to the meeting. Participants were asked to respond with their availability.

***Action: All***

## **9. AOB**

None.

## **MAIN POINTS FROM THE MEETING OF THE NDA LLW STRATEGY GROUP, 3 MARCH 2010**

### **LLW Strategy**

The final version is with Government for approval. It is hoped to publish the approved version within the next 3-6 weeks.

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.

*Proposed action: it is proposed that a NuLeAF Briefing Paper be published to highlight key points from the final version of the strategy and to provide a commentary on the implications for planning. It is suggested that a draft be circulated to LLW Officer Working Group members for comment electronically.*

### **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 have received bids from 5 suppliers to treat segregated combustible LLW at plant in the UK, Europe and USA. Contracts have not yet been awarded and it is not known publicly what sites might be involved in the UK.

Further information is being sought from LLWR Ltd on the timescale for awarding contracts, the UK sites involved, and whether Article 37 submissions would have to be made. When further information is available, the sites in question will be added to the 'LLW Developments' spreadsheet [insert hyperlink?].

## **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.

## **RADIOACTIVE WASTE MANAGEMENT AND REGIONAL PLANNING: MAIN POINTS FROM THE MEETING ON 5 MARCH 2010**

### **Present**

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](http://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:

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 'plan-led' 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).

## **Draft Agenda for Seminar on Radioactive Waste Management and Spatial Planning**

Target audiences: local authority and regional planners; nuclear industry; and supply chain.

The following agenda is suggested:

11.00 Welcome and Introduction

11.05 Setting the Scene: Local Authority Perspectives on 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