

NuLeAF LOW LEVEL WASTE OFFICER WORKING GROUP

Draft note of the meeting held on 8 December, 2009 at Local Government House, London

1. Attendance:

Fred Barker	NuLeAF
John Bennett	Dorset County Council
Richard Conway	Purbeck District Council
Peter Day	Oxfordshire County Council
Catherine Draper	NuLeAF
Richard Evans	Cumbria County Council
Adrian Lee	Hampshire County Council
David Palk	Suffolk County Council
John Prosser	Kent County Council
Lesley Stenhouse	Essex County Council
Phil Watson	Northamptonshire County Council
Mark Woodger	Maldon District Council

Apologies:

Bob Chamberlain	Suffolk Coastal District Council
Heather Taylor	Lancashire County Council
Tim Williams	Vale of White Horse District Council

2. Note of the meeting of 10 September, 2009.

Item 8 – clarify that the 6 tests for planning conditions are part of Circular 11/95.

Annex A – section 2.3 draft text - planning policy statements are relevant to England only. FB to advise NDA.

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.

PW action (item 3c) was outstanding.

Action: PW

Proposed seminar (item 9) – views sought on feasibility of the seminar given financial constraints facing local government. Feedback was that NuLeAF seminars were good value for money, and provided that care was taken to

ensure that the offering was timely and relevant there should be sufficient participants to make it viable.

4. Update from the NDA's LLW Strategy Group

FB presented a paper which covered:

- The NDA consultation on LLW strategy
- Accelerated Element 2 Strategy (ACCELS)
- Future of the LLW Strategy Group
- Work streams in the National LLW Management Plan
- 'Pointers to Good Practice in Communication and Stakeholder Engagement in Implementation of LLW Strategy'

Points raised during discussion included:

- In addition to the LLW savings being sought through ACCELS, NDA are going through a stringent PVP (public value programme) review to identify potential areas for savings across its estate.
- NDA will advertise shortly in the European Journal for expressions of interest from industry for disposal services for high volume VLLW. FB to ascertain details of the tender.

Action: FB

5. Update on local developments

The Secretariat had circulated a spreadsheet setting out the current position on proposals to dispose of VLLW/LLL to 5 sites: Clifton Marsh (Lancs), Keele Head (Cumbria), King's Cliffe (Northants), Lillyhall (Cumbria) and Springfields (Lancs). The version updated as a result of feedback at the meeting is attached.

Updates in addition to those in the spreadsheet were:

Cumbria

An ordinary landfill site application has gone to appeal. Cumbria CC has proposed a condition that would prohibit radwaste disposal to the site. The view of the Inspector is awaited with interest. Consultation on Site Allocation Reg 27 will run 11 Dec to 8 Feb. Land within the Sellafield boundary had been identified as preferred for decommissioning wastes, with land near by as a fallback. A Hearing in Public is expected in summer 2010.

Suffolk

- Waste Core Strategy (WCS) has been approved for submission. The WCS contains 2 policies for radwaste from Sizewell, including provision on site for storage, treatment and disposal of LLW if in accordance with national strategy and Environmental Assessment. There is no provision for import of radwaste or for disposal of ILW on site.

- SCC are seeking Counsel's opinion on permissions for disposal of VLLW/LLW to landfill and implications for land use post closure. Response expected before the end of the year and will share with LLW OWG

Action: DP

- DP met with representatives of the Sizewell SSG to discuss the WCS. They are broadly supportive of the principle of on-site disposal, but concerned about the potential impact on the proposed site end-state. British Energy is undertaking a pre-application consultation on its proposal for a spent fuel dry store for Sizewell B. The application is being submitted under the Electricity Works Regulations. Application to DECC will be made in January 2010.
- The Chair of the Sizewell SSG had raised the question of whether the application for the spent fuel dry store could attract a community benefits package. DP said that although application was made under the Electricity Works Regulations, S106 provisions could still in principle apply.

Hampshire

- The region has a small quantity of radwaste arisings from the dockyard at Portsmouth and AWE on their northern boundary.
- Reg 25 Consultation for Waste DPD is likely to take place autumn 2010. Current Core Strategy does not address radwaste issues, so this may need to be redressed.

Essex

- Site allocation consultation likely for summer 2010.
- EDF has put the land at Bradwell earmarked for new nuclear build up for sale. The sale was part of the conditions imposed on its purchase of British Energy.

Dorset

- Waste Core Strategy in early preparation stages. Current Waste Local Plan does not address radwaste, this will be redressed in WCS.
- Dorset CC has become aware that Winfrith has been importing and treating a low volume of dessicant from other sites before sending to LLWR for disposal. This was not covered by their planning permission. A Certificate of Lawful Use will be granted to rectify.

Oxfordshire

- Consultation on the Waste Core Strategy will be in 2010

Northamptonshire

- Existing Waste Local Plan contains no reference to radwaste.
- The Inspector had directed that a further round of consultation be carried out for the amended WCS following amendment in the light of his comments.
- King's Cliffe landfill application by Augean:
 - the applicant is producing a compendium of the objections which includes their responses to the comments.

- The CC has appointed an independent expert to advise on health implications.
- Augean hasn't specified the volume of waste the site will take, but it is estimated to be tens of thousands of metres rather than hundreds of thousands

A training workshop for the Planning Committee members will be organised in the new year.

Kent

- Site allocation policy is likely to include on-site disposal of decommissioning waste at Dungeness A.

Spreadsheet on developments at landfill sites will be kept up to date and will be posted on a new LLW section of the NuLeAF website.

Action: CD

6. Discussion of the issues arising from current proposals for the use of landfill

In response to the questions raised on the agenda, the following preliminary conclusions were reached:

Q1. Requirement for planning permission for VLLW/LLW disposal to landfill: The overall feeling was that each proposal would have to be dealt with case by case. SCC Counsel's opinion is awaited with interest.

Q2. Grounds for refusal: Weight of public opinion cannot be grounds for refusal in its own right, unless it is founded upon valid planning reasons. There are cases where planning decisions have been taken to appeal and public opinion has been found to have legitimately influenced the planning decision (see the annex in NuLeAF Policy Statement 6 for references).

Q3. Use of conditions: The Trawsfynydd ILW store Planning Inspectorate report provides a precedent which may prove useful to others. JP also referred to the condition proposed for the site at Blaze Farm. See note of the September meeting for further conclusions.

Q4. Policy on disposal of VLLW/LLW to landfill: there are different views on whether specific policy should be included in MWDFs. In the light of discussion and SCC's Counsel's opinion, FB would prepare a note and circulate to group for comment.

Action: FB

7. Review of the issues to raise with RTAB representatives at the meeting on 9 December

FB's speaker notes had been circulated for comment. Comments included:

- regional strategies should give some steer on radwaste management for WPAs
- there could be exceptions to net self-sufficiency in the case of specialist facilities.

8. Date of next meeting

The next meeting will be on 10 March, 2009 and will be held in Room 8.02 of the New Academic Building, London School of Economics.