

**NuLeAF Radioactive Waste Planning Group**

Draft Note of the meeting held on 5 March, 2014 at Local Government House, Smith Square, London

**1. Attendance:**

Terry Burns	Suffolk County Council
Richard Conway	Purbeck District Council
Peter Day	Oxfordshire County Council
Catherine Draper	NuLeAF
Gillian Ellis-King	South Gloucestershire Council
Iain Fairlamb	Cumbria County Council
Mike Garrity	Dorset County Council
Dave Illsley	Shepway District Council
Philip Matthews	NuLeAF
Louise Nurser	Lancashire County Council
Lesley Stenhouse	Essex County Council
Phil Watson	Northamptonshire County Council
Rebecca Williams	West Berkshire Council

Apologies were received from: Denice Gallen – Copeland Borough Council, Paul Prowting – Hampshire County Council, Doug Bamsey – Sedgemoor District Council.

**2. Note of RWPG meeting on 5 September 2013.**

Subject to amending NPPF to NPS at 5.6, the note was agreed as a true record of the meeting and would be posted on the NuLeAF website.

**Action: CD**

**3. Matters arising**

All actions were completed or in hand.

**4. Presentation by NDA and ARUP on the disposal of NDA non-commercial assets**  
(Anna Clark, Head of Site Restoration, NDA, Tony Smithers, Property Manager, NDA and Kate Canning and Alison Ball, ARUP)

4.1 AC opened the presentation saying that she had attended the January Steering Group meeting to give a presentation on the Site Restoration programme and had heard the message loud and clear that NuLeAF collectively is keen to be a sounding board for NDA. In turn, she is keen to get feedback and guidance on how NDA can take this sort of work forward.

4.2 NDA is currently developing its strategy on non-commercial assets, and it will impact both the Site Restoration and Land & Property Management Strategies. If the strategy is adopted and implemented, then site specific discussions will follow.

4.3 The objective site restoration strategy is to restore designated sites and release for other use, retaining the minimum land to complete the site restoration mission. Consideration is

also being given to Interim End States which would find a use for sites whilst the buildings are in care and maintenance pending final decommissioning (potentially a period of 20-30 years). It is not within NDA's remit to dictate the next use of a site - that will fall to the new landowner. However, it can provide guidance to SLCs on suitable options. To do this NDA needs to understand the value of its land.

4.4 Issues faced in determining Interim or End States include:

- planning for the future is complicated by lengthy site restoration time scales;
- sites are often not recognised in local plans;
- for some sites, current commercial value of land is limited due to lack of economic demand for brownfield land in rural areas; and
- the need to balance cost of clean-up with income from disposal of land.

4.5 NDA commissioned ARUP to carry out two studies; one to give an understanding of the non-commercial value of the land in NDAs ownership, the other management and ownership options for that land. The report on the first study has just been completed and the second will follow shortly.

4.6 ARUP explained that they had reviewed methods for analysing the non-commercial socio-economic value of land. As a result of a literature review they had chosen to use an eco-system services (ESS) approach which measures the value a landscape gives, and have looked at how this could be applied to NDA land holdings. As part of assigning value to a site consideration has been given to the social return on investment e.g. the potential benefits on the health of a population through the restoration of a green space.

4.7 During discussions the following points/clarifications were made:

- Degrading factors on a site (e.g. invasive species) would be included in an ESS approach and would be managed out if deemed appropriate.
- The approach taken by ARUP is based on that by UK government, although there was engagement with relevant bodies in Scotland and Wales.
- The message that any future use would need to fit with existing strategy and/or neighbouring land by future owners is understood.
- Whilst it may not be possible for a local authority to directly manage land, they could work with a third party and examples of this had been reviewed as part of the process.
- It may be more appropriate for NDA to engage with local authorities at a district level as the issues were more applicable to their level of planning. County Councils were responsible for Minerals and Waste Plans which were unlikely to be applicable to future use of NDA land.
- The current requirement is for NDA to divest itself of all its land holdings. The level of clean up at a site has to be proportionate to its end value. This will influence the range of options available for its end use. Institutional controls will ensure that land is managed safely and suitably.
- Current timetable is for disposal of non-designated sites by 2020.
- Whilst NDA does not wish to release land for sale around its Magnox sites which may be required for decommissioning following the C&M phase, consideration can be given to leasing the land for other uses such as a solar farm.
- NDA's current approach is estate wide, but recognise that will need to develop site specific approach also.
- NDA has ongoing dialogue with the developers of new nuclear power stations (Horizon and EDF). Currently meet quarterly. The developers have been made aware that NDA has infrastructure and land which has the potential to be of benefit to them and they

have been encouraged to include this in their plans at an early stage. An example of this is Horizon wishes to use the cooling water intake and outfall from Wylfa station for its new site. This has the additional benefit of minimising coastal damage.

- NDA also recognises the importance of re-using brownfield land, and the responsibility to think about commercial reuse where possible. It is looking to bring money back into the local community where possible and ameliorate the impact of loss of employment/spend arising from decommissioning
- Development plans cover a minimum 15 year time period, so may not synchronise with NDA plans which cover a longer period. They also do not address sites which are in current use.
- The restoration of sites isn't normally a consideration in planning with the exception of mineral plans. Here the baseline is always restoration back to its original state/use and comparison is made between that and what the developer proposes.

4.8 The second study undertaken by ARUP looks at the management and ownership options for NDA's non-commercial land. It seeks to identify organisations that would potentially manage or own sites without a commercial value in order to exploit the environmental and or social benefits. Contact was made with 11 organisations who had either transferred, endowed or taken on land.

4.9 The next stage of the programme is for NDA to review recommendations and get feedback from key stakeholders. Consideration will be given to incorporating key findings into NDA's guidance to SLCs on optimising Site Interim and End States and into NDA's Land and Property Management strategy.

4.10 NDA would be keen to hear from the group their views on this potential approach and any relevant experience, and analogies with landfill restoration. DI and LS offered to pass on information regarding projects in their area.

**Action: CD/DI/LS**

4.11 The issue of coastal erosion was raised and its potential to impact on sites. NDA should not dispose of land which may be required in the longer term should the need arise to relocate current facilities further inland. Also, NDA should engage with Environment Agency as their current approach to managing coastal erosion was in some areas to sacrifice land to the sea and may have an impact on sites.

4.12 It was hoped that updated guidance on site end states would be available in around a year's time.

## **5. Update on national developments in radioactive waste management**

5.1 **NORM** - PM gave the meeting a verbal update on the NORM workshop held in Manchester on 25 February. Majority of delegates had come from industry. Overarching message was that there is a huge amount of uncertainty about volume of NORM waste and the timing of arisings. Comment had been made that if the oil price drops then decommissioning of oil rigs will happen quickly so amount of NORM will increase soon, but if the price remains high the increase in volume will be gradual. However, it is considered that any arisings will be comparatively small to other waste streams.

5.2 **SDP** – there was some question over who had been invited to attend the pre-engagement workshops. CD would contact facilitators for clarification and notify West Berkshire and Cumbria of outcome.

**Action: CD**

5.3 **LLWR ESC** – IF updated the group, saying that the ESC had raised a lot of questions for both Cumbria CC and the Environment Agency. The quality of the application and inadequacies in information had proved problematic. He expected developments shortly as to whether or not the process would proceed.

## **6. Community Benefits Paper**

6.1 A paper on the revised NuLeAF approach to Community Benefits was circulated prior to the meeting. PM sought comments from the group. Comments raised during discussion were:

6.2 Whilst the paper addressed community benefits as beyond S106, examples given had used S106 as their basis. PM agreed that he would amend this in the final version.

Action: PM

6.3 Care should be taken not to make the protocol/guidance prescriptive. The way S106 has been used in the past has been broader in scope than perhaps originally envisaged. Don't want to exclude the opportunity for benefits just because S106 was the route chosen.

6.4 Whilst a common framework in principle makes sense, there needs to be scope for negotiation with NDA/PBO.

6.5 It is important that there is local involvement in the decision making process about how money is spent. NDA lacks the expertise to decide which projects are more viable for regeneration, so it is important that the decision making body includes those who can address those aspects.

6.6 Community benefits should not be seen as an additional pot of money for the local authority to spend as it pleases, but should be spent on the community affected. A mechanism for managing and disbursing the fund should be agreed upon, and the local authority may or may not play a part in this depending on circumstances. The scale of the fund will probably dictate the delivery mechanism.

6.7 It is important that there is a clear legal basis for the community benefits, and it is shown to be separate from S106. The type of legislation which deals with landfill tax would work well under these circumstances. This is the approach that was taken with the community benefits associated with the King's Cliffe site.

6.8 The phrase "off-setting the burden of hosting" as used in the South Gloucestershire Core Strategy<sup>1</sup> could be used to define community benefits as beyond mitigation measures. The Core Strategy also contains the following paragraph which could be incorporated in some form into the NuLeAF protocol to provide a basis on which the community benefits are agreed:

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<sup>1</sup> <http://www.southglos.gov.uk/Documents/Clean%20Version%20for%20interim%20publication2.pdf>

“18.23 Community benefits which go beyond the requirements of the Planning Acts may be sought through the provisions of the Local Government Acts, or other legislation, or alternatively through voluntary agreement with the project provider, or in accordance with an industry protocol.”

## **7. Duty to Co-operate Paper**

7.1 Final sign off on the paper had been received from LLWR Ltd. It included some recommendations, suggested by NuLeAF members, and PM sought the group’s advice as to the feasibility of the suggestions.

7.2 The meeting considered the implications of a Memorandum of Understanding and it was felt that there would be little benefit as there was the risk of not fully comprehending the implications at the time of signing as these would only become apparent with the passage of time. A general MoU would also not address more detailed issues.

7.3 It was felt that NuLeAF provided a method of helping to comply with DtC and that it provided a single united voice to both NDA and government. Issues under the Duty to Co-operate could become a standing agenda item and addressing DtC issues, and developing best practice in DtC, should be written into the group terms of reference. It can be used to pass information on to those local authorities who don’t have nuclear licensed sites.

***Action: CD***

7.4 The group agreed that any proposed annual meeting between LLWR, landfill operators and SLCs should include WPAs beyond the 3 proposed in the paper. This would enable the wider group to understand the overall picture. Site specific meetings could then address specific issues.

7.5 With respect to the significance of not gaining agreement of an authority where engagement had taken place (4.2), this would depend on the extent to which this affected the delivery of the strategy. It was noted that the significance of DtC varied according to the type of waste.

***Action: PM to finalise paper based on comments***

## **8. NuLeAF seminar 2014**

8.1 A draft programme had been circulated previously and CD asked if there were any other issues which the group felt could usefully be incorporated. Suggestions were:

- planning and regulatory issues for site decommissioning
- implications of strategic flood risk assessment for nuclear licensed sites
- the relationship between regulation and planning
- review of LLW strategy
- update on storage options for ILW/FED

## **9. Any other business**

9.1 RC and MG had attended a meeting organised by NDA in February to discuss early thoughts on the end state for Winfrith. Regulators had also attended. A number of the actions discussed would require permissioning by either DCC or the regulators.

9.2 MG – quite a few actions about what would need planning permission and what is for regulators.

9.3 PW advised the meeting that the King's Cliffe landfill site had now implemented the planning permission granted by the IPC.

9.4 IF advised that the 15 year site lifetime extension for Lillyhall landfill had been granted. The permission stipulated disposal of VLLW only.

9.5 It was agreed that the meeting scheduled for 4 June should be cancelled because of its proximity to the seminar on 16 June. Any urgent business could be dealt with in a short meeting ahead of the seminar.

## **10. Date of next meeting**

The next meeting will be held on 3 September 2014 at Local Government House.