

Note of NuLeAF Radioactive Waste Planning Group, 4 June 2015

Present:

Doug Bamsey	Sedgemoor District Council
Tess Bond	Somerset County Council
Sue Brett	Cumbria County Council
Trevor Brown	Oxfordshire County Council
James Cutting	Suffolk County Council
Catherine Draper	NuLeAF
Philip Matthews	NuLeAF
Matt Meldrum	West Berkshire Council
Rob Sellen	Hampshire County Council
Lesley Stenhouse	Essex County Council
Phil Watson	Northamptonshire County Council

Apologies: Rachel Cutler - Kent County Council, Gillian Ellis-King - South Gloucestershire County Council, Mike Garrity - Dorset County Council, Richard Conway – Purbeck District Council, Richard Sharples – Lancashire County Council, Alistair Stewart - Shepway District Council, Denice Gallen – Copeland Borough Council.

1. Welcome and introductions

PM welcomed Steve Dutton from NDA and asked the participants to introduce themselves.

2. Note of the meeting, 4 March 2015

The Note was agreed as a true and accurate record and will be posted on the NuLeAF website.

Action: CD

3. Matters arising

All matters had been actioned.

4. Transportation of radioactive materials

4.1 PM welcomed Steve Dutton, of NDA, who gave a presentation and discussion on the transportation of radioactive materials:

4.2 The 2006 NDA Strategy did not address transport issues. By 2009, National and Site Stakeholder Groups had asked for this subject to be addressed at a Strategic Level and it was included in the 2011 update. Transport is viewed as a Critical Enabler – something that enables strategy to be implemented.

4.3 Mr Dutton took up his post with NDA in 2008 and created a working group to address the issues. This is made up of all the SLCs, main transport companies, ONR and RMT. Most of the work is carried out by the SLCs.

4.4 NDA sets high level principles for the SLCs. They expect value for money and communication between sites and SLCs.

4.5 Planning for moving radioactive waste has to take into consideration the state of the waste at the time which it will be moved, which could be in 40 – 50 years' time.

4.6 Transport routes need to be thoroughly planned, properly implemented and engagement with stakeholders carried out. NDA and SLCs work to ensure that protests are carried out in a safe environment and manner.

4.7 Part of the safety systems is the design of the package which gives protection in its own right.

Questions:

4.8.1 Do you work with the operational stations as well as those in decommissioning?

4.8.2 NDA has contracts with EdF for the transportation of radioactive waste and transport is carried out by DRS, an NDA subsidiary.

4.9.1 Where does your role fit in to the decision about whether waste such as ILW is stored on site or moved elsewhere?

4.9.2 Decisions about where the waste should go is made by the people responsible for determining what should happen to the waste – where it should go. Once the decision has been made, then transport would advise on the size and shape of the packages and the programme for transportation.

4.10.1 Does transport policy sit within NDA policy?

4.10.2 Transport and logistics supporting documentation sits within current NDA strategy.

4.11.1 How does transport strategy deal with the 'Why' in relation to movement of radioactive materials?

4.11.2 The 'Why' is dealt with before transport steps in. Transport is an enabler, not a driver. However, the sooner it is involved in the decision making process, the better the solutions. It will take 3 years for a new ship to be commissioned and built, 5 years for a flask. Strategy 3 will highlight the dependence on the supply chain and its implications.

4.12.1 Does NDA get involved with planning applications?

4.12.2 NDA leaves SLCs, as the waste consignor, to deal with planning applications.

4.13.1 How detailed is the strategy?

4.13.2 Regulation of transport is very broad and deep. SLCs have to meet all the regulations. There are a lot of committees which think about transport issues and the SLCs are represented on them all.

General comments

4.14 It would help stakeholder engagement if there were examples of good practice available for each site. Transport strategy could include practical examples in the appendices. It would help convey a positive message.

5. Future of nuclear licensed sites

5.1 PM introduced the paper. Jim Cochrane of SEPA had given a presentation and held a discussion at the Steering Group meeting on 14 May. The discussion today would further inform NuLeAF's response to the 10 questions posted by Jim, detailed below. PM stressed that at this stage, SEPA were trying to get a feeling for what was, and what was not permissible under the planning regime as it currently stood.

5.2 It is unclear from the questions posed whether this applies to interim or end state. PM to ask SEPA for clarification.

Action: PM

5.3 Neither Development Control nor Environmental Health Officers have the skills or expertise to apply or monitor controls.

5.4 Concerns were raised that this was merely an exercise to pass the costs of monitoring a site onto another body.

5.6 In response to the 10 questions, the group made the following comments:

Q1 Do Planning Authorities' local strategies and plans acknowledge the potential for residual radioactive contamination remaining on nuclear sites and the possibility of on-site disposal of radioactive waste?

- Local Plans do not provide the means for local authorities to take on a regulatory function which is outside the planning regime.
- Local Plans may contain policies which help local authorities deal with ongoing waste issues, but they do not provide for monitoring of the waste.
- The onus is for the owner of contaminated land to clean it up.
- There is a mismatch between timescales. Local Plans cover a 15 year time span. Radioactive waste storage and disposal covers decades, centuries or millennia.
- There has been no engagement from NDA with local authorities over the issue of on-site disposal, or about plans for interim states.

Q2 Is formal planning permission necessary for on-site disposal of radioactive waste on nuclear sites; particularly in cases where the radioactive waste is disposed either to fill voids on the site or to landscape the site (i.e. beneficial reuse of waste)?

- Yes, unless specifically permitted under existing permission.

Q3 Where 'permitted development' has been granted, to what extent can radioactive waste be disposed of on-site? For example, would void filling or landscaping using radioactive waste be allowed under 'permitted development'?

- Use of radioactive waste for void filling or landscaping would not be permitted unless granted under the terms of the planning permission.
- Planning permission is only granted for what is applied for. The lack of a condition does not imply permission.

Q4 When would specific planning permission for the disposal of radioactive waste be required?

- Yes, always (and not retrospectively!)

Q5 What are the potential barriers to such planning permission being granted?

- This will depend on each proposal.
- Look at planning policies and material considerations
- Local authorities need the skills and expertise to judge the planning application.

Q6 How could such barrier be overcome?

- Engage in the development plan process.
- Demonstrate a comprehensive proposal and undertake meaningful community engagement in order to garner their support.
- Be clear about what you want to achieve.
- Talk about the big picture, don't just engage on what you think you need consent for.
- In 2 tier local authority areas, ensure you engage with the correct council.
- Early engagement is a priority. You cannot engage too early!

Q7 Do you think the T&CPA is the right institutional control regime for managing any residual controls needed to protect people and the environment after the environment agencies have surrendered the RS permit?

- The T&CPA doesn't deal with residual controls.

- Local authorities are not pollution control experts. In order to deal with any change of responsibilities, appropriate expertise and resources would be required.
- The planning system is not contamination control regime.

Q8 What arrangements do Planning Authorities think are needed for the environment agencies to transfer 'knowledge' about the former use of the nuclear site and any residual radioactive contamination or waste?

- Local authorities do not have the capacity and would require provision of resources, both financial, training and expertise.
- Environment agencies need to clarify under what terms they would hand back the permit, if there was any residual radioactive contamination on site. How would this be monitored? Who would carry this out?
- Land use controls only come into effect if there is a change of development.
- Nuclear licensed sites are not ordinary sites. They are, mostly, next to existing operational sites, or proposed new build sites.
- The existing regime works, why dismantle it.
- A worked example of what the environment agencies are envisaging would help local authorities to consider the issues more fully.

Q9 Do Planning Authorities consider that former nuclear sites require any specific planning conditions simply by virtue of their previous use?

- Developers would need to engage in the local planning process in respect of sites' future potential.
- It is unclear from the question whether it is conditions granted on use of the site for nuclear purposes or a new use.
- Because the time period is so long, this is not something which would normally be dealt with.
- On making an application for new use, the applicant would be required to demonstrate contamination management is support of their application.
- Developers would be required to comply with conditions in recognition of any contamination on-site.

Q10. What planning conditions do Planning Authorities think are needed at a former nuclear site?

- See response to Question 9.

6. Update on national developments

6.1 Publication of the Low Level Waste (LLW) Strategy is expected in mid- September. Consultation on NDA S3 and the Higher Activity Waste Strategy has now moved to the end of September.

6.2 NuLeAF draft responses to the consultations by Scottish and Welsh Governments will be circulated for comment.

6.3 It was suggested that NuLeAF write to DCLG highlighting the issues raised by the Duty to Cooperate and recommend it should be a matter of national planning policy.

Action: PM

7. Update on Geological Disposal Facility process

7.1 Following a meeting with Local Partnerships earlier that day, PM provided updates to the paper which had been circulated prior to the meeting:

- The Call for Evidence will now run from 1 July to 5 September. NuLeAF will circulate details when they are released.
- The dates of the stakeholder workshops will be moved to later in the year and the nature of the workshops is being reconsidered.
- The Independent Review Panel will hold a public meeting on 23 June to consider the draft geological guidance.

7.2 In response to a question PM clarified that as yet it has not been decided whether the final recommendations made by the CRWG will be accepted as they stand, or if they will go out to public consultation.

8. Update on developments at local sites

Oxford CC: work has not yet begun on the ILW store at Harwell, but conditions are being discharged. OCC's Draft Minerals and Waste Plan (Part 1) went to council in March. Background documents are now being finalised and publication should take place in late June or July.

Essex CC: Magnox have indicated they are intending to submit a planning application for the importation of waste to the ILW store. ECC's Waste Local Plan consultation will commence 18 July.

Northamptonshire CC: A review of the siting policy in the Mineral and Waste Plan is being undertaken. The Community Fund for King's Cliffe received £19,000 in the last year. A statement on the Duty to Cooperate has been posted on the Local Plan section of the NCC website.

Cumbria CC: The Regulation 18 consultation on the new Minerals and Waste Plan had just closed. Work has commenced on the submission version which should go to Cabinet for approval towards the end of the year, and public consultation will take place in early 2016. Following the withdrawal of the earlier application, a new application for 2 new vaults at the LLWR is expected shortly. Meetings are taking place with NuGen regarding the consultation on Moorside.

West Berkshire C: Work with neighbouring authorities is being undertaken to get ONR and Environment Agency to take a co-ordinated approach. Burghfield is carrying out remedial flood work.

Suffolk CC: Consultation on a Statement of Community Involvement should begin shortly and an Issues and Options paper be published in September.

Hampshire CC: Safeguarding documentation for Oil and Gas had now been finished. A workshop will be held on 21 July with construction businesses organisations to discuss the concept and how it can be communicated. Duty to Cooperate talks had taken place with Wiltshire CC regarding infrastructure updates and safeguarding.

Sedgemoor DC: Reassurances had been received from EDF about the future of Hinkley Point C and they hope to make a decision at the end of the year.

Somerset CC: Magnox has agreed that a planning application will be required to cover the proposed new waste stream work (milling pond skips). Remediation works are still ongoing at Hinkley Point C.

Kent CC: (by email) Local Plan hearings have finished. Consultation on the main and additional modifications will take place in July. There are a few minor modifications to the text relating to Nuclear Waste Treatment and Storage at Dungeness and Non-nuclear Industry LLW Management. A third policy has been removed to avoid duplication.

Copeland BC: (by email) Moorside Stage 1 Strategic consultation is underway and will close on 25 July. Copeland is preparing its response the Cumbria M&W Plan consultation and will respond to the LLWR environmental application consultation.

9. Any other business

9.1 PW had attended the Asbestos National Optioneering Study Gate A Workshop on May 20th on behalf of NuLeAF. The aim was to consider options for the management of radioactive asbestos in the future.

9.2 It is not possible to dispose of the material at the LLWR as this will be subject to coastal erosion in the future. The workshop considered a number of options which were then either retained or removed from the list. Alternative treatment methods had been considered (disposal to the GDF, thermal or chemical).

9.3 At present volumes of waste are unknown, though some work on this and timing of arising had been done. It was still early days in information gathering.

9.4 In response to a question from the group, PW confirmed that there had been reference to international comparisons, in particular the USA where work on this waste stream was more advanced than in the UK.

9.5 This was an initial meeting and further meetings will be held. PW was happy to attend again on behalf of NuLeAF should the need arise.

10. Date of next meeting

The next meeting will be held at Local Government House on 2 September

Action List

Item	Action	By	Outcome
2	Post note of meeting on 4 March on website	CD	Done
5.2	Ask SEPA for clarification re interim or end-state re regulatory control	PM	
6.3	Write to DCLG regarding issues about complying with DtC	PM	