

**Draft Note of NuLeAF Radioactive Waste
Planning Group, 2 September 2015,
London School of Economics, London.**



1. Welcome and introductions

Present:

Trevor Brown	Oxfordshire County Council
Richard Conway	Purbeck District Council
Jane Corry	Cumbria County Council
Adrian Lynham	Consultant for Cumbria County Council
Mike Garrity	Dorset County Council
Lesley Stenhouse	Essex County Council
Rob Sellen	Hampshire County Council
Jo Baker	Kent County Council
Phil Watson	Northamptonshire County Council
Lisa Price	South Gloucestershire Council
Guy Robinson	Somerset County Council
James Cutting	Suffolk County Council
Matt Meldrum	West Berkshire Council

Catherine Draper	NuLeAF
Philip Matthews	NuLeAF

Jim Cochrane	SEPA
John Garraway	Environment Agency
Bob Smith	Environment Agency

Denice Gallen, Copeland Borough Council participated in the meeting for a short period via teleconference, but terminated the call because of sound quality.

Apologies: Doug Bamsey – Sedgemoor District Council, Rachel Cutler - Kent County Council, Gillian Ellis-King - South Gloucestershire County Council, Richard Sharples – Lancashire County Council, Alistair Stewart - Shepway District Council.

2. Note of the meeting held 4 June, 2015

2.1 The Note was approved as a true and accurate record of the meeting and will be posted on the NuLeAF website.

Action: CD

2.2 PM sought clarification regarding the two action points and the meeting agreed that no further action was required.

3. Matters arising

None.

4. Progress of decommissioning at Winfrith nuclear licensed site

4.1 Presentations were given by Mike Garrity of Dorset County Council and Richard Conway of Purbeck District Council on the progress of decommissioning at Winfrith and the local authority perspective. The presentations can be found at Annex A to this note.

4.2 Responses to questions and comments following the presentation:

4.2.1 There has been little change in the relationship between Magnox and the local authorities since RSRL became incorporated, other than staff seem to be less available whilst they adjust to being part of a new organisational structure which is slightly different to that which they were used to. There has also been a reduction in numbers.

4.2.2 The schedule of local authority responsibilities is good concept and could be recreated around other sites.

4.2.3 Cumbria has a PPA with Sellafield which enables them to carry out the planning function fully.

4.2.4 RSRL had engaged with the Site Stakeholder Group over a long period of time over the site end state desires and objectives. Returning the released land to amenity was the most obvious option and it sits alongside the technology park comfortably. There were some issues around the relationship between the owners of the technology park and RSRL/Magnox.

4.2.5 The regular meetings between the site and different levels of local government were noted to be a good example which should be followed at other sites.

5. Future uses of nuclear licensed sites: discussion on planning issues

5.1 PM introduced Jim Cochrane from SEPA and John Garraway and Bob Smith from Environment Agency. They were seeking further input on the possible use of the planning regime to control former nuclear licensed sites and had provided a paper which had been circulated prior to the meeting.

5.2 SEPA and EA are working on two projects. The first is to produce guidance on how they would surrender radioactive substances permits, which control how radioactive waste is managed on sites. The guidance will include risk based standards and will be used to determine whether they accept an application for surrender of a radioactive substances permit. Once a permit is surrendered regulators will have no means of control. It is hoped that draft guidance will be produced before Christmas 2015.

5.3 The second project is led by DECC and looks at the interaction between safety, environmental and planning regimes during decommissioning, with the aim of making the process seamless.

5.4 JC outlined 3 'messages' from the briefing note which had been circulated prior to the meeting and which had been informed by discussions at the previous RWPG.

5.4.1 It may not always be practical to remove all radioactive waste from a decommissioning site e.g. deep pipework or foundations. Sites are beginning to understand this and will be applying for permission to dispose of radioactive waste on site. The Agencies has advised

site operators that they will also need to apply for planning permission and should engage with their local authorities at the earliest possible point.

5.4.2 It is **not** the Agencies intention to pass on any of the regulatory duties or responsibilities to planning authorities.

5.4.3 An RS permit will only be surrendered if the Agencies are convinced that the future use will not harm people or the environment.

5.5 JC then posed some questions to the meeting.

5.5.1 What powers do local authorities have to prevent someone coming on to a site and drilling into the ground where there may be radioactive waste underground.

Regardless of whatever regulations were made, it would be the owner's responsibility to manage and monitor activity.

5.5.2 Can the Minerals and Waste Plan be used to restrict use of land?

Only activities which require planning permission can be managed through the planning regime. The life of any Minerals and Waste Plans would expire long before any radioactive waste had decayed. Some form of legal agreement between the local authority and land owner would be required.

5.5.3 What if there is no planning application or consent, but someone undertakes ground works anyway?

Any works breaking ground require planning permission and the Planning Act sets out what does and doesn't require planning permission. Some development orders would make allowances and site constraints can be imposed if they can be justified. An inadvertent breach of permission would not be preventable.

If a planning application were made it would require someone to defend the constraints if they were challenged during the application process.

5.5.4 The planning regime can only come into effect if there is a change of use. If there is an existing activity on site, then it would be covered by the original planning permission. The permission for the surrender of a permit would have to stipulate that planning permission was required in order for the land to be used for specific purposes.

5.5.5 If an operator requested the surrender of a permit, but stated that future use of the site needed to be restricted to ensure buried waste was not disturbed then they would need to demonstrate that effective controls would be put in place to ensure the waste was not disturbed before approval for surrender was given.

5.5.6 There are certain triggers which allow planning authorities to enter into control. The regulators could seek to have it enshrined in law that the change of use of any land following decommissioning required planning permission. This would then automatically be triggered if a planning application was submitted. It may also be necessary to define to what use the land could be put to in order to ensure that new owners who do not require planning permission in order to break ground do not disturb the waste inadvertently.

5.5.7 The Agencies agreed that they would put together a note for circulation. In addition, if they returned to discuss these issues further they would provide 3 example sites to give the discussion context.

6. Update on Geological Disposal Facility siting process

6.1 The meeting considered the paper presented which covered the activities of the Communities Representation Working Group, the Call for Evidence, work on the national geological screening exercise, land use planning, boundary wastes, Welsh policy and Scottish consultation on Higher Activity Wastes.

6.2 There were no questions or comments on the paper.

7. Update on developments at local sites, including Duty to Cooperate issues.

Essex: Consultation had recently closed on their Draft Waste Plan and representations were being assessed.

Cumbria: The planning application from LLWR for further vaults is expected in October.

Oxfordshire: Proposed submission document for Minerals and Waste Core Strategy was published recently. The Waste Needs Assessment contains policy on radioactive waste.

West Berkshire: No developments since the previous meeting.

Northamptonshire: Revised Minerals and Waste Local planning will go to Cabinet in November and then move on to first stage of the consultation process.

Somerset: No developments since the previous meeting.

Kent: Notification for the Local Plan has been issued.

South Gloucestershire: Consultation on the Sites and Places Plan had concluded in the summer. Few comments had been received.

Dorset: Draft Waste Local Plan was currently out for consultation.

Purbeck: Winfrith was currently consulting on the decommissioning of an effluent pipeline.

Hampshire: Consultation on Oil and Gas Places Plan had recently concluded.

Suffolk: No developments since the previous meeting.

8. Any other business

PW advised the meeting that he had been approached regarding his availability to attend a further meeting regarding disposal/management of radioactive asbestos. He would update the meeting once the event had taken place.

9. Date of next meeting

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

Action List

Item	Action	By	Outcome
2	Post note of meeting on 4 June on website	CD	Done

Annex A: Presentations on decommissioning progress at Winfrith



Winfrith%20Decommissioning%20Role%20-%20Winfrith%20RWPG%202002-09-15