
Progress on NDA project on
Administrative controls
to protect people and the environment
from residual contamination on a
decommissioned site

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Status

- NDA funded research project
 - February to September 2016
 - Project Team: Shelly Mobbs, Nick Mitchell, Les Netherton, Pauline Sinclair, Tim Slater
- Project aims to identify:
 - types of administrative control used to protect people and the environment;
 - knowledge management to support controls; and,
 - uncertainties surrounding application of controls in the UK context.
- Work nearly finished
 - Draft report currently with NDA for comment.



Approach

- Identified different types of controls and information governance
- Reviewed over 20 UK case studies (4 in detail)
- Stakeholder workshop (comments, discussion)
- Identified possibilities, improvements and issues
- Recommendations
 - Most promising options
 - Future work
- Summary report
- Technical report

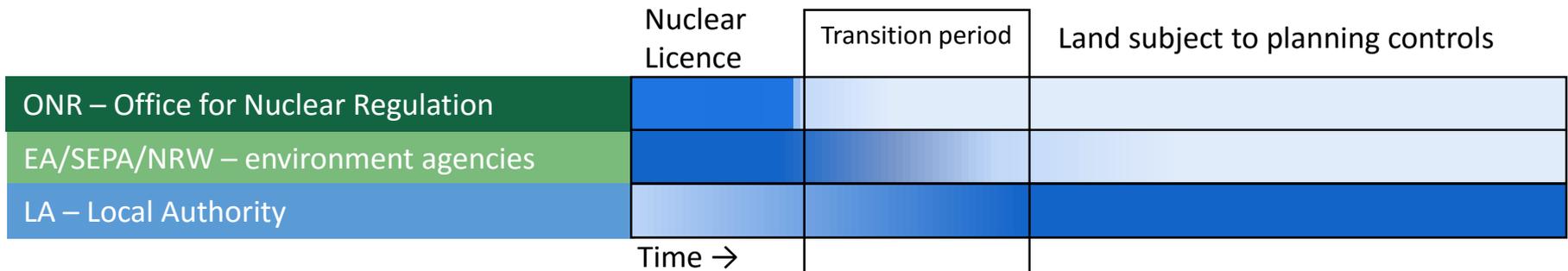


Clean up of an NDA site

- Radioactive and non-radioactive contamination will be reduced to meet the regulatory requirements.
- The physical state of designated land will be made suitable for the next planned use of the site.
- Structures and infrastructure will be made safe or removed where necessary, having first explored opportunities for their reuse.
- Where the next planned use does not require a nuclear site licence, the licence may be surrendered with any residual radioactive or non-radioactive contamination being subject to appropriate control.



The transition period



Transition period

- Where a site no longer needs a licence, ONR regulation could end.
- The environment agencies continue to regulate the site until the objectives of the GRR are achieved.
- HSE regulate safety.
- Land subject to planning control.
- Records required.

Administrative controls

- Administrative controls are often called institutional controls
- The NEA (2016) describes institutional controls as non-engineered instruments such as:
 - controls on property, e.g. easements and covenants;
 - governmental controls, e.g. development zones, permits, restrictions on land and water use, and excavation permit requirements;
 - informational devices, e.g. deed notifications and restrictions and title transfers; and,
 - legal enforcement tools applied by a regulator.
- They are used for non-nuclear sites with residual contamination. Could they be used for nuclear sites at the end of the decommissioning and clean-up process, i.e. in the final 'transition period'?



Possibilities (especially for restricted use)

- Regulation by ONR through Directions or Licence conditions;
 - Regulation by the environment agencies through a Permit/Authorisation;
 - Controls through the planning system;
 - Controls through property law; and,
 - Control through ownership by a NDPB, charity or Trust.
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- Currently available tools OK
 - Guidance or small adjustments
 - Choice depends on the exact circumstances



Most promising tools

- Allocation of uses to the land in the Local Plan.
- Covenants and easements if NDA retain an interest in the land.
- Planning obligations or unilateral agreements.
- Removal of permitted development rights on site or portion.
- Leasehold or endowment contract conditions.

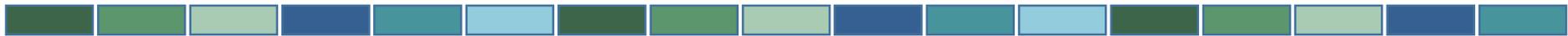


Inform site owner/user

- Ownership records in Title Deeds (Land Registry).
- Covenants associated with Title Deeds (Land Registry).
- Planning obligations in Planning Register.
- Remediation verification report in Planning Register.

Format:

- Q&A document signposting SWESC and need for expert advice.
- SWESC and summary in NDA Nuclear archive, plus GRR.
- Summary of SWESC in local Planning Register.
- End of control date/condition specified.



Recommendations for further work

- GRR trial to understand context and what needs controlling
- Explore reuse during RSR regulation (with Permit)
- Communication through Local Plans: collaboration
- Maintaining access to knowledge (Q&A, SWESC, update to archive, archive reviewed, functionality of records)
- Covenants and S106 obligations (EAs as consultees)
- Non-radioactively contaminated land (guidance on maintenance of controls over time)
- NDA land ownership plan (freehold, divest to trusts)

- Discussions with LPAs needed
- NDA guidance urgently needed

