

# **Note of the meeting of Radioactive Waste Planning Group held at Local Government House, Smith Square, on 19 October 2016**

## *Present:*

Charlotte Rushmere	Dorset County Council
Terry Burns	Essex County Council
Phil Watson	Northamptonshire County Council
Peter Day	Oxfordshire County Council
Dave Illsley	Shepway District Council
Gillian Ellis-King	South Gloucestershire Council
Lisa Chandler	Suffolk Coastal District Council
Matt Meldrum	West Berkshire Council

Catherine Draper	NuLeAF
Phil Matthews	NuLeAF

Shelly Mobbs Eden Nuclear and Environmental Ltd  
Hannah Pooley Dept. of Business, Energy and Industrial Strategy (BEIS)

## **1. Welcome and introductions.**

PM welcomed everyone to the meeting and participants introduced themselves.

## **2. Discussion with NDA on Administrative Controls for protecting people and the environment from residual contamination**

2.1 Shelly Mobbs gave an overview of the project to date. The environment agencies had consulted on the Guidance for Requirements for Release of nuclear licensed sites from radioactive substances regulation (GRR). The consultation document refers to optimising end states, which may include leaving some structures with residual contamination in-situ, as long as the risks meet regulatory requirements.

2.2 A draft report is currently with NDA for comment. Any comments made at this meeting can be incorporated in final report.

2.3 Shelly took the meeting through the options for administrative controls which were being considered and then opened up the meeting for comment.

RWPG members made a number of points:

2.3.1 S106 obligations are only generated in response to an application and are specific to that application. They cannot be rolled forward to subsequent applications on the same property and are tied to a specific development.

2.3.2 S106s depend on the nature of the development applied for, the state of the site and what the applicant needs to do to make the proposed development appropriate within planning.

2.3.3 It was suggested that covenants were separated out from S106 as they are different and have different uses.

2.3.4 Conditions placed on a permission can be challenged.

2.3.5 Planning enforcement is a reactive process, so the possibility is that the damage will have been done before the LPA is aware of the issue.

2.3.6 There is a problem with the timescales used by NDA as these are not ones which planners work to. NDA needs to improve its communication.

2.3.7 It was suggested that NDA should retain ownership of the sites and lease them out until they are released from EA control. NDA will have a long life as it has to operate the GDF and will have on-going decommissioning responsibilities for existing power stations.

2.3.8 Information could be provided as a layer on local authority GIS systems, this could be provided by the Environment Agency. This would put a red flag on the property and planners would then query the issue with EA if a planning application was made.

2.3.9 Another possibility was the contaminated land register or a land charge. A land charge would be flagged up by the purchaser's solicitor when land was purchased. A land charge is made a number of ways – direct application to the Land Registry, through the courts etc. Planners do not regularly consider land charges. Covenants may be more visible to planners.

2.3.10 For a site to be in a Local Plan the land owner needs to promote it for a specific use. The local authority will then consider the site, but it may not be included. Local Plans are responsive to strategy.

2.3.11 The public needs to be given confidence that what is proposed is safe. Communities need to be given comfort that there is no risk.

2.3.12 Graphics used at previous workshops do not accurately represent discussion e.g. they show void filling and truck movements, but discussions are about deep disposal. There needs to be consistency in message.

2.3.13 Whilst there is a case for rethinking extent of contamination left on site in terms of worker dosage, lorry loads on local road etc, it has to be presented in terms of best overall environmental proposal, not just a case of saving money for it to be acceptable to communities.

2.3.14 Question from Shelly – if a barrier were placed over waste left in-situ to prevent dispersal, what planning controls could be put in place to ensure the barrier wasn't disturbed. Response – planning conditions or removal of permitted

development rights could be used. However, this does not take into account the problem of people carrying out work without applying for planning permission.

2.3.15 Question from Shelly – what administrative controls do you use on a non-nuclear contaminated site. Response – by negotiation, you find an interested body to manage that site and sign a legal agreement.

2.3.16 Question from Shelly - the highest dosage you would get would be from someone farming the land or growing veg, and farming isn't covered by planning. It might be the one thing you want to prevent. How do you do that? Response - covenants can presumably be passed from one land owner to the next.

2.4 Hannah Pooley gave a short presentation on the process for making any amendments to regulations which will arise from the review. A discussion paper will be posted on BEIS website before the end of October. This will be followed by formal public consultation in early 2017. A stakeholder workshop is being organised in conjunction with NDA and will be held in Manchester on 28 November. NuLeAF members suggested some organisations who should be approached to participate.

2.5 PM thanked Shelly and Hannah. It was agreed that comments made on this topic at previous meetings would be circulated to members who would add anything further they felt pertinent. These would then be passed to Shelly.

**Action: CD**

### **3. Note of the previous meeting**

3.1 Action point 9.2 GEK clarified that waste is being imported from Oldbury to Berkeley. Stroud DC approved the application without the payments of community benefits.

3.2 Subject to the above, the Note of the Meeting was agreed as correct and would be posted on the website.

**Action: CD**

### **4. Matters arising from previous Note**

4.1 It had not been possible to open the letter from Magnox which had been included in the meeting papers. CD to recirculate.

**Action: CD**

4.2 Point 9.1 PM had spoken to Bill Hamilton. Work on community benefits would form part of wider work between NDA and NuLeAF on socio-economics.

### **5. Review of updated Briefing Paper on the UK Low Level Waste Strategy and Local Authority planning (BP19)**

5.1 PM introduced the paper which had been circulated prior to the meeting and asked if the meeting members had any comments on the content.

5.2 The consensus was that the paper was well written and would be a useful resource. The inclusion of a glossary was appreciated. There were no further comments and the paper will be published and posted on the NuLeAF website.

**Action: CD**

## **6. Update on Geological Disposal Facility siting process**

6.1 PM presented the paper which had been circulated prior to the meeting. It covered:

- RWM stakeholder engagement; and
- Consultation on the GDF framework.

6.2 Following on from a meeting with BEIS and RWM earlier that day, PM updated the meeting on the timetable for consultation. It was unlikely that any consultation on the community and land use planning aspects of the GDF would take place before Christmas. A 12 week consultation should therefore be expected in January and NuLeAF would be drafting consultation responses and circulating to members for comment. Given this delay, the launch of the GDF siting process is unlikely to take place before autumn 2017.

6.3 At the RWM Stakeholder Event held on 13-14 October, NuLeAF had asked whether Government proposal to replace community benefits with direct payments of £10k to householders affected by fracking might be applicable to the GDF siting process. Tom Wintle (BEIS) had indicated that this might be an option included in the consultation paper. The RWPG was concerned that this approach was in variance with the approach taken through planning. It was also noted that the long timescale for the operation of a GDF (over 100 years) meant that payments would be made to existing householders who would not still be resident when the waste was placed in the facility.

6.4 There was discussion over the disposal of some radioactive waste to near-surface disposal. Scottish Government policy is for the disposal of Higher Activity Waste to a near-surface facility/ies, although part of the Scottish HAW inventory is not suitable for near-surface disposal so an alternative route must be found. NDA is undertaking work for the Scottish Government to help it meet its policy, but is now also considering whether a part of the wider UK HAW inventory might be better disposed of at a near surface facility than in a deep repository.

6.5 RWM was unsure when the BGS outputs would be ready for a second round of review. The January RWPG meeting had been tentatively proposed, but it was possible that this would be too late. NuLeAF hoped to clarify this in the coming days.

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

7.1 PM took the meeting through the paper which had been circulated, and covered:

- Changes in UK Government;
- Community benefits and fracking;
- The Submarine Dismantling Project;
- Small Modular Reactors;
- Feedback from Theme Overview Groups (TOGs);
- Low Level Waste update; and
- Magnox update.

7.2 As noted in 6.3, concerns were raised regarding the proposal by Government of a one-off payment of £10K to householders affected by a fracking operation. It was felt that this was not a model which would be suitable to transfer to radioactive waste. Government needs to consider how it is changing the perception of communities which are being asked to host potentially hazardous facilities for long periods.

## 8. Site updates

**South Gloucestershire:** Consultation has just concluded on Policies, Sites and Places. This proposes integration of the existing and proposed nuclear sites with the view of minimising the extent and impact of new build and maximising sustainability by reusing on-site existing facilities, and associated off-site infrastructure.

**Suffolk Coastal:** The last meeting of the SSG had considered the matter of transporting waste from Sizewell to Bradwell by road rather than rail, but there had been no outcome.

**Shepway:** The local SSG received a presentation on the GDF at the last meeting, which went down well. Shepway DC is interested in the SMR programme as this may provide a next use for the decommissioning site. A grant of £30K had been received from Magnox for a feasibility study into the development of an industrial estate.

**Dorset:** An issue has arisen over a piece of land which had been removed from nuclear licensed site regulation. A radiological survey prior to development of an office complex had shown up two 'hot spots'. Now that the site was out of license it was unclear who should be approached, or was responsible, for clean-up. DCC is pressing Magnox to provide funding to enable them to produce guidance to show how early engagement improves outcomes. This would be informed by the experience at Dounreay. An application from Tradebe for the physical extension to their waste management site has been received, and for permanent planning permission.

**West Berkshire:** Work continues on the Waste Plan. A potential new 'Garden Settlement' of 15,000 homes to the south of Reading centred around an existing village known as Grazeley has been proposed. The outskirts of this potential new settlement would be less than 1km from the site boundary of AWE Burghfield. Clearly this is very much in the embryonic stage but the proximity to the AWE site has been flagged by WBC as a consideration.

**Northamptonshire:** Waste Local Plan examination will take place in 2017.

**Oxfordshire:** Construction of the ILW store at Harwell has yet to begin. The Hearing on OCC's Minerals and Waste Core Strategy has recently concluded. The

radioactive waste policy had been raised as an issue for consideration at the Hearing by the Inspector. He questioned whether it was compatible with NDA strategy and suggested reviewing the Somerset Waste Local Plan. There had also been an objection to the policy from Magnox. Prior to the Hearing we got a Statement of Common Ground from Magnox in which we put forward a change to the policy which would allow the possibility of ILW from outside Oxfordshire being managed within the county, given that we have already granted planning permission for the ILW store at Harwell. The Inspector was satisfied with this and the policy was discussed at the Hearing. OCC was given a positive response on its Duty to Cooperate compliance.

**Essex:** Waste Plan Examination in Public has concluded, with positive feedback from the inspector. Two planning applications from Magnox for the importation of radioactive waste from Sizewell A and Dungeness A have been approved. The provision of socio-economic funds has been raised with Magnox. A scoping opinion for LLW storage at Bradwell has been issued in expectation of an application.

## 9. Date of Next Meeting

9.1 The next meeting will be held on 24 January 2017 at Coram Campus, 41 Brunswick Square, London. CD advised the group that the intention was to extend the duration of the meeting in order to review the revised BGS outputs and to have the supply chain meeting with LLWR. However, there was some doubt whether the BGS output review would go ahead on that date, or take place earlier. CD would clarify in due course.

## 10. Any other Business

None. The meeting closed at 2.23.

<b>Actions</b>			
<b>Item</b>	<b>Action</b>	<b>By</b>	<b>Outcome</b>
2.5	Circulate prior comments and then forward to Shelly	CD	Circulated on 21 October
3.2	Post 20 July Note of Meeting on the website	CD	Done 24 October
4.1	Re-circulate Magnox letter	CD	Done 21 October
5.2	Post revised BP19 on website	CD	Done
9.1	CD to clarify timings of RWPG meeting on 24 January.	CD	Emailed MS – awaiting response.