

By email to: businessplanning@nda.gov.uk

Date: 4th February 2019

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Dear Sir or Madam,

Draft NDA Business Plan 2019-22 consultation response

1. Introduction

NuLeAF (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on legacy wastes and decommissioning. NuLeAF is directly supported by over 100 local authorities and national park authorities across England and Wales and speaks for the wider local government community. We have a remit encompassing all aspects of the management of the UK's nuclear waste legacy. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common, local government viewpoint on nuclear legacy management issues;
- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including Government, the NDA and the regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

Engagement with local government is critical to the success of the NDA mission:

- Local planning authorities fulfil a regulatory function. Through NuLeAF our members have been able to provide expert advice on land use planning in relation to decommissioning and the management of NDA sites.
- Local authorities have a clear and significant role in the Geological Disposal Facility (GDF) siting process. Without their support the NDA and RWM will not be able to deliver this critically important facility.
- Councils are the democratic voice of communities and important stakeholders for NDA as required under the 2004 Energy Act.
- Local authorities bring a range of other expertise in relation to economic development, planning, transportation, education and skills.

NuLeAF is funded by NDA, RWM and our member authorities. Our comments on the draft NDA Business Plan 2019-22 consultation are set out below.

2. General Comments

We recognise that the Business Plan is a high-level document rather than a detailed Strategy. We have therefore limited our comments to the strategic level operation of the NDA and the implications this may have for legacy sites and communities around the UK.

We note that this Business Plan has been developed at a time of significant change, following the closure of the THORP plant at Sellafield, the entering of Bradwell into Care and Maintenance and moves to establish Magnox as a wholly owned subsidiary of the NDA. We have also seen the launch of the Geological Disposal Facility (GDF) siting process and the publication of the Nuclear Sector Deal which has the potential to develop employment and economic opportunities around decommissioning.

In addition, the NDA has for some time been considering the potential for changes in the approach to decommissioning, from a blanket Care and Maintenance Strategy to continuous or accelerated decommissioning for at least some sites. Changes have also been proposed to the approaches to the management of LLW (disposal on site) and the regulation of sites in their later stages. Despite their important and strategic nature not all these matters are reflected in the draft Business Plan.

The Plan places a stronger emphasis on the 'NDA Group' and we hope that new structures and a desire for greater integration across the NDA estate will yield dividends. We note NDA CEO David Peattie's statement in his foreword that NDA *'cannot succeed alone and we value (stakeholder's) challenge as well as their support.'* The change of structure offers an opportunity to enhance the way in which NDA engages and works with local authorities and communities. We therefore expect further moves to enable constructive engagement, consultation and partnership working across all parts of the NDA Group.

We feel that the presentation of the Business Plan 2019-22 is improved on previous years, with a better use of diagrams and visuals. In particular, the diagrams and charts on pages 19 and 20 are useful in explaining simply the various aspects of the NDA's work and the timescales involved. We hope that future documents will give further thought to how information can be made as accessible as possible.

Finally, we note that the consultation on the draft Business Plan was held over the Christmas and New Year period. While the consultation ran for 9 weeks, this still presented a challenge for local authorities given the timescale for approval by Elected Members. If the NDA wish to maximise the response from local government then this must be taken into account in determining the timing and length of consultations.

3. Socio-economics, skills and environment.

NDA will spend £3Bn of public money per annum over the period covered by the Plan and NDA programmes should always maximise the wider benefits and minimise impacts to communities and the environment. We therefore welcome the identification of **Socio-economics, Skills** and **Health, Safety, Security, Environment** as three of the areas of focus for the NDA mission (pages 12 - 13).

That said, it is clear that at present the full socio-economic value of the NDA's spend of public money is not being realised. In relation to Sellafield, this was a conclusion of the recent Public Account's Committee (PAC) report on the NDA's progress on Risk Reduction at

Sellafield, and the PAC's view was recently echoed by the NDA's former Chief Executive Officer John Clarke¹. We believe that the NDA must develop a full and coherent approach to supporting local communities through all aspects of its operation, not just in West Cumbria but across the whole estate. The Nuclear Sector Deal provides a further underpinning for this.

The section on socio-economics commits the NDA to '*work with nuclear new build and neighbouring site organisations, **local authorities** and other key stakeholders to... maximise potential benefits to the community*'. We welcome the acknowledgement of local government as a key stakeholder and partner, having highlighted its omission from last year's statement, and also recognition of the potential value in engaging with any promoters of nuclear new build and with those operational nuclear sites due to cease generation in the next decade. As the NDA mission progresses, engagement with councils is becoming ever more important, as has become clear in relation to proposals for Proportionate Regulatory Controls (PRC), Magnox Accelerated Decommissioning and the recently launched GDF siting process.

Local government planning and economic development policy and functions, along with the views of local people as reflected by their elected representatives, should be critical to the development of proposals for site restoration and the move to interim or next planned use. The NDA should also engage with local authorities to promote skills development for decommissioning, quality job opportunities for the local population and to identify appropriate mitigation measures where quality nuclear jobs are being lost as a result of decommissioning.

4. Strategic Themes

A number of the Strategic Themes are of particular relevance to local government:

- **The commitment to develop a long-term solution to plutonium management**, something that has implications for West Cumbria and potentially for any community considering entering the GDF siting process. We would welcome engagement on this issue in the coming year.
- **The development of alternative disposal options for HAW**. We recognise that work on alternative options (such as near surface disposal) is still in development. Near surface disposal would impact on any future host community and also on the wider GDF siting process. Again, further engagement is needed as this work progresses.
- **Transition of Magnox to new arrangements**. As noted above the new arrangements should be used as an opportunity to enhance the ways in which Magnox as a whole, and individual sites, work with local authorities on planning and more widely. Our members would also like to see better collaborative working, at a local level, between Magnox, EDF and new nuclear developers, and engagement with host communities. Engagement must go beyond the Site Stakeholder Groups (SSGs), important though they are, and connect directly with local government.
- **Implementation of the strategic people delivery plan**. Skills and employment are of central importance to communities, and local government can directly support this work through schools and colleges. To date engagement with local government around skills has been limited.

¹ <https://www.in-cumbria.com/news/17390807.west-cumbria-not-getting-the-most-from-multi-billion-nuclear-sector-says-former-nda-chief/>

- **Support SMEs by increasing overall spend.** Local authorities are very supportive of this and have a direct role to play through Local Enterprise Partnerships and economic development plans.
- **Work with regulators on institutional controls.** Local government planners have a regulatory role through land use planning. It is important that the NDA, UK/Welsh Government and other regulators continue to work with NuLeAF, and our Radioactive Waste Planning Group (RWPG). In the interests of ensuring an efficient approach to developing changes to institutional controls, it is suggested that the NDA should, at the outset of any proposed change to approach, seek relevant land use planning policy and environmental and safety regulation from the relevant government department/s.

Across these and other activities, effective delivery of the Business Plan requires timely and effective engagement and consultation with local government. NuLeAF provides a ready-made forum for this. It also provides a cost-effective mechanism for local authorities to engage with nuclear legacy related issues.

5. Funding

The breakdown of expenditure by businesses and subsidiaries is welcome but as we have repeatedly requested, we would like to see a more detailed itemisation of non-site expenditure, with separate figures for socio-economics, skills, R&D and knowledge management. It is disappointing that we consistently request that information on funding be presented in a more transparent way but that there appears to be no action taken or explanation given as to why this cannot be done. If the Business Plan is not an appropriate place for that level of detail, then we would request that NDA provides these figures to NuLeAF and other interested stakeholders.

It is also disappointing that the total provision for all these areas of work is being held at £31M in 2019/20, representing a real-terms cut and an actual decline from the £32M allocated in 2016/17. Given the aspirations of the Industrial Strategy and Nuclear Sector Deal we had expected a greater focus on these areas.

Looking forward we hope that, as we approach the next spending review, the Government is able to maintain the resources available for the NDAs mission. In particular, any future government settlement must take account of the decline in income from the end of reprocessing and electricity generation. It must also recognise its responsibilities to host communities and future generations. The nuclear legacy must be dealt with in an efficient and timely manner, so that safety is assured and beneficial future uses are brought forward where possible.

5. Comments on NDA Businesses and sites

Sellafield Ltd The recent closure of the THORP Plant and the planned completion of Magnox reprocessing gives Sellafield a clearer focus on decommissioning. The commitment to begin retrievals from the Pile Fuel Cladding Silo and the Magnox Silos in 2020 is welcome, representing as it does a significant step forward in dealing with the high hazard facilities on site. As noted earlier, we also look forward to greater clarity on plans for the long-term management of the significant plutonium stockpile at Sellafield and for management of uranics.

There is not sufficient information or commitment regarding the Sellafield Transformation, through which some of the technological and social developments required to ensure extraction of economic value from Sellafield for the taxpayer will occur. An unsuccessful Transformation would not only impact the local economy but will undermine the success of the Nuclear Sector Deal and the UK's Industrial Strategy. It is incumbent upon the NDA to work with local authorities and other stakeholders to ensure that Sellafield, through the Transformation, can achieve the site's mission quicker and cheaper, while creating a resilient local economy.

In terms of critical enablers, there is particular scope for taking forward the Nuclear Sector Deal in West Cumbria, building on the decommissioning expertise in and around Sellafield. Local government can play an important role in supporting this.

Magnox Ltd The delivery of the Magnox elements of an NDA low level waste management plan is an issue with significant implications for local government and communities. We will continue to work with Magnox/NDA/Government on this and in particular on its land use planning implications. We trust that the relevant planning and regulatory arms of central government will also contribute to this.

The issue of asbestos management is one of great importance for the Magnox stations and the commitment to produce a strategy for asbestos, without detriment to Care and Maintenance, is welcome.

We are concerned that there is no reference in the Business Plan to the proposed Magnox Accelerated Decommissioning programme. We accept that this has not yet received approval but given its significance we feel it would be appropriate to promote expeditious progress on this, given that the Plan covers the period up to 2022. There is also a need for certainty for host communities and for Councils to be able to consider the implications of this (or not) in their own forward plans.

We have consistently highlighted the need for clear and up to date Lifetime Plans for the Magnox sites. While short summaries have now been produced, more detailed information, suitable for use by land use planning officers, is necessary. We suggest that the Business Plan should set a deadline for the production of Lifetime Plans.

We further suggest that the Business Plan should include a requirement to examine whether there are potential beneficial interim uses on parts of NDA sites during a Care and Maintenance phase. These could not only provide income to the NDA, but also potentially provide job and business opportunities for local people and businesses, thereby bringing benefits to the local community while at the same time protecting the long-term needs for land for reactor decommissioning.

LLWR Ltd We welcome the early demolition of the bunkers containing Plutonium Contaminated Material (PCM).

In line with the Radioactive Waste Strategy, there are likely to be further changes to the material managed at the LLWR and disposed of via other routes. Some of these changes may cause concern to the communities around the LLWR site and other host sites. All such decisions must therefore be based on proper discussion as to what is acceptable and driven by a clear community and environmental benefit.

Radioactive Waste Management (RWM) Ltd NuLeAF has been working closely with RWM and BEIS to advise them on the best means of engaging with local authorities around the GDF siting process. We welcome the launch of the siting process in December 2018.

Looking forward, we will continue to provide support to any local authority interested in entering the siting process, and to advise RWM and others on local government concerns. However, we would note that the NDA's current planning assumption that a GDF will be available by 2040 now looks unrealistic. The result of this will be that waste will be stored at Sellafield and other sites for far longer than originally envisaged. The long-term service to the nation provided by communities that play host to this waste should be recognised through acceptable levels of community benefit and investment in the wider economy.

I hope these comments are helpful.

Yours faithfully,

A handwritten signature in black ink that reads "Philip Matthews". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Philip Matthews
Executive Director
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