

By email to: iwm@nda.gov.uk

Date: 29th October 2018

Radioactive Waste Strategy: Consultation response from NuLeAF

1. Introduction

NuLeAF (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on legacy wastes and decommissioning. We are directly supported by over 100 local authorities and national park authorities across England and Wales and speak for the wider LGA. Our remit encompasses 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 the Welsh and UK Government, the Nuclear Decommissioning Authority (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.

Our Executive Director is a member of the NDA's Site Decommissioning and Remediation (SDR) and Integrated Waste Management (IWM) Theme Overview Groups (TOGs) and has been involved in the development of this strategy. Our Radioactive Waste Planning Group is an expert forum for senior land-use and waste planning officers, while our Steering Group consists of Elected Members and officers covering all the NDA sites.

Our members have been closely engaged in discussion around related developments in radioactive waste policy, from Proportionate Regulatory Controls (PRC) and the potential for in-situ disposal of radioactive waste to plans for a Geological Disposal Facility (GDF).

This submission draws on our previous work in this area and has been informed by the expert comments of our Elected Members and officers.

2. Response to consultation

General Comments

The effective decommissioning and clean-up of nuclear sites, and their transition to next planned use, is an issue of central importance for NuLeAF and our members.

NuLeAF has long advocated the need for a single Radioactive Waste Strategy that provides a joined-up and integrated approach to waste management. We agree with the principles behind the strategy, namely to promote cross-category waste management opportunities, support a risk-based approach and develop an integrated programme. We also welcome the intention to identify and implement improvements to the UK Radioactive Waste Inventory; and to develop plans to maintain skill capabilities.

A single Radioactive Waste Strategy should not just lend a coherence to the management of all waste streams. It must also embed decision making processes within a framework that gives full weight to the concerns of local government and the economic, social and environmental well-being of affected communities.

We therefore welcome the inclusion of local government and NuLeAF within the waste policy management framework set out in the Strategy (Figure A1.1 in Appendix 1). Local authorities are the democratically elected body representing communities. They have a vital role to play in radioactive waste management, being responsible for land use and waste planning, transportation, economic development and environmental protection. Their views and expertise must be given proper prominence in any decisions about radioactive waste management.

The Strategy does not explain the engagement processes that the NDA will use to underpin the Strategy. More information should therefore be provided, either in this Strategy or in supporting documentation, on how the NDA intends to engage with local planning authorities, and local government more widely, in taking forward this strategy in relation to waste management, storage and disposal routes.

Scope of the Strategy

The Strategy notes that over 90% of the UK Radioactive Waste Inventory by volume is generated by the NDA estate but that '*Whilst primarily an NDA Strategy, this document will be of interest to other producers of radioactive wastes, radioactive waste management facility operators, suppliers of waste management services, regulators, local planning authorities and communities.*' (p.4)

We agree and also support the statement that '*we (NDA) do have obligations to make our waste management infrastructure available to the wider nuclear industry where appropriate*' and will '*continue to investigate opportunities in this area where it can be demonstrated that it is the best option and is of overall value to the taxpayer.*' (p.5)

The decommissioning of other (EDF) sites will start in the next 10 years or so. Similarly new nuclear build will generate future wastes. An acknowledgement of these waste streams should be made in the strategy. Better integration of decommissioning and waste management activities across past, present and future nuclear stations is an issue that is regularly raised by NuLeAF members.

Finally, the means by which the NDA will assess whether early treatment and conditioning presents lower risk and greater value for money should also be explained. Early conditioning potentially forecloses future options that are not yet available, such as the thermal treatment of fuels.

Terminology and definitions

We accept that, by its nature, this is a broad and overarching strategy. However we believe that the boundaries of the strategy lack clear definition, something that could lead to misunderstanding. A particular concern is the statement that the scope includes *'materials that may become waste at some point in the future.'* (p.4) Any future recategorization as waste of materials such as spent fuel and Plutonium would have significant implications for the communities hosting the emplacement or disposal facilities for such materials. We believe that any proposals for the re-categorisation of material as waste by NDA or the Site Licence Companies (SLCs) must be based on full, effective and transparent engagement processes with local authorities, stakeholders and communities.

The strategy makes extensive use of terms such as 'proportionate', 'appropriate', 'as soon as reasonably practicable' and 'optimised' without identifying the criteria by which these judgements are to be made. It is therefore not possible to determine whether the outcomes against these qualifications are acceptable, or relevant. The criteria associated with each of them must be identified and defined in the Strategy. In addition, where the document is suggesting that a 'score' will be applied to the criteria it should clearly identify what score would be acceptable.

Safety

Section 2.3 sets out the benefits of the waste strategy. Safety of nuclear waste management is of central importance and must guide all decision making. We would therefore suggest that safety should be included in this section – all decisions on radioactive waste management must be underpinned by continuous improvement in the safe management of materials.

Boundary wastes

The strategy states that the programme will focus in the early stages on particular issues such as wastes on the Low-Level Waste/Intermediate Level Waste (LLW/ILW) boundary.

NuLeAF is not opposed to a risk-based approach being applied to such wastes. However, we have consistently argued that changes to waste management and disposal routes that flow from a re-assessment of boundary wastes may lead to

concerns in communities. They may feel that they are being asked to host more radioactive or dangerous materials than was previously the case. There must be effective and early engagement with local authorities and communities to explain any such change in treatment or disposal route, the nature of the materials involved, and the reasons behind the decision taken.

Storage

A number of communities across the UK currently host radioactive waste stores. Communities that host such wastes are providing a service to the nation.

The Radioactive Waste Strategy may potentially result in some wastes being stored for greater time periods or in higher volumes than was previously the case. Changes to plans for waste storage must be informed by proper discussion with councils and local people. NuLeAF also believes that the NDA should establish proper levels of community benefit payments to those communities hosting radioactive waste long term, as is the case in many other countries.

Geological Disposal

NuLeAF has been working closely with the UK and Welsh Governments and RWM Ltd to take forward proposals for a Geological Disposal Facility (GDF) for the UK's Higher Activity Wastes (HAW).

We would note that development of a GDF is contingent on finding a willing host community. In addition, proposals for in-situ disposal still require parliamentary approval, while the potential for the use of near surface disposal is not yet clear and would need to be underpinned by community consent (see below).

We believe the Strategy should be clearer on the impact of, for example, the failure to identify a willing host community for a GDF, and what the contingency plans for such an eventuality are. We would suggest that the section on Critical Enablers (5.2) should recognise the need to find a willing GDF host community, and to ensure that options chosen for waste management and disposal have public acceptability.

Near Surface Disposal

As the Strategy notes, work has been undertaken in relation to the potential for a near surface facility for disposal of some of the inventory. We recognise that the NDA is required to look at Near Surface Disposal (NSD) for the management of Scottish wastes, in line with Scottish Government policy; and is also considering the potential use of NSD for management of HAW in England and Wales. While we are not opposed in principle to the appropriate use of NSD, we believe that the Strategy must provide greater clarity on consideration of NSD in England and Wales and how that may interact with on-going work in support of Scottish Government policy. It is important that:

- Any strategic project for NSD in England and Wales is developed in full consultation with local authorities and stakeholders. Any siting process for a

facility should be based on the consent by a willing host community, as the GDF siting process is.

- The NDA provides more information on the likely scale of an NSD, while making it clear that it does not eliminate the need for a GDF. The scope for retrieval of waste consigned to an NSD should also be clarified.

Transportation of wastes

The implementation of the Radioactive Waste Strategy may result in more transportation of materials between NDA sites and also from the NDA estate to a range of treatment or disposal routes. Transportation of radioactive wastes causes significant concern to the communities affected. Efforts must be made within the decision-making framework to minimise transportation and also engage with local authorities along transport corridors. At present the Strategy does not address the transport impacts of waste management decisions.

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.

Philip Matthews
Executive Director