

By email to: [NuclearDecommissioning2@beis.gov.uk](mailto:NuclearDecommissioning2@beis.gov.uk)

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## **Nuclear Decommissioning: Consultation on the regulation of nuclear sites in the final stages of decommissioning and clean up**

### **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 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.

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. Local authorities have a vital role to play in this process, being responsible for land use and waste planning, transportation, economic development and environmental protection. It is essential that new legislation and associated guidance require the nuclear industry and regulators to fully engage with local authorities and communities at every stage of site clean-up.

NuLeAF has worked with BEIS, the regulators and the Nuclear Decommissioning Authority (NDA) across the range of current work around legislative change, in-situ disposal, Guidance on Requirements for Release of Nuclear Sites from Radioactive Substance Regulation (GRR) and NDA site clean-up and remediation. Our Executive Director is a member of the NDA's Site Decommissioning and Remediation (SDR) and Integrated Waste Management (IWM)

Theme Overview Groups, and we are currently working with BEIS on in-situ disposal through a short life group involving NuLeAF along with local authority planning officers.

NuLeAF's **Radioactive Waste Planning Group** is an expert forum for senior land-use and waste planning officers from across England and Wales, while our **Steering Group** consists of Elected Members and officers covering all the NDA sites. Discussions at both have provided useful insight and advice on this topic and have guided our response to the previous consultation on this issue in April 2016<sup>1</sup> and to the Discussion Paper published later that year<sup>2</sup>. In our submissions we raised a number of concerns. We note that some of these are acknowledged in this consultation, namely the need for transparency with communities, to engage effectively and closely with planners and to keep adequate records (1.6).

This submission draws on our previous work in this area and has been informed by the expert comments of our Elected Members and officers. To summarise our position, we accept the rationale behind the proposed legislative change. However, **decisions on whether to remove or leave waste in situ must be informed by ongoing and effective engagement with local government and communities and based on an effective decision-making process driven by the highest environmental, social and environmental aspirations**. We outline what we believe are the critical success factors in our response to Question 5.

## Response to consultation questions

### 1. **Do you agree with the proposal to exclude nuclear sites in the process of decommissioning and clean up from the continuing application of the third-party liability regime, once conditions specified in the Paris Convention Decommissioning Exclusion are met? If not, why not?**

Yes, we accept the case for change (3.2). In principle this proposal could enable a more rounded assessment of the positive and negative impacts of different options for the management of residual radioactive wastes in the final stages of decommissioning and clean up. It will allow consideration of the relative impacts of different options on worker health, transportation, noise, and the wider environment. It may enable earlier release or reuse of all or part of a site.

However, that potential will only be realised if a clear framework is established, supported by adequate guidance and support, that enables a balanced assessment of the economic, social and environmental impacts of different options. Local authorities and communities will only accept in-situ or on-site disposal if it can be demonstrated that decisions taken are the most sustainable possible and are not primarily driven by a desire to reduce costs. Transparency of decision making is vital, guided by Best Available Techniques (BAT) assessments and by the NDA's Values Framework. Effective engagement at every stage of the process is required.

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<sup>1</sup> <http://www.nuleaf.org.uk/wp-content/uploads/2016/05/GRRConsultationNuLeAFresponsefinal.pdf>

<sup>2</sup> <http://www.nuleaf.org.uk/wp-content/uploads/2016/12/PRC-consultation-response-Dec-2016.pdf>

**2. Do you agree that the licensee of a nuclear site should be required to apply to the Office of Nuclear regulation (ONR) to surrender the license and should lose the ability to surrender the license unconditionally as at present?**

Yes. We agree that what is proposed would simplify the regulatory framework without weakening the important role of ONR.

**3. Do you agree the ONR should be able to exclude waste disposal facilities from the nuclear site license if satisfied that nuclear safety and security matters for these facilities are fully resolved? If not, why not?**

Yes, this has potential benefits for waste management and for wider environmental impacts. That said, any decision that will lead to waste disposal on site must be made in close consultation with affected local authorities and communities and guided by local plans. It must not be detrimental to aspirations for the next planned use of the site.

**4. Do you have any further evidence that we should take into account in our impact assessment?**

There is a not a full assessment of the impact of options on the local economy, only the possible impact on Labour Markets (6.6). While the early release of all or part of a site may be beneficial to the local economy, the leaving of radioactive waste in-situ may have a negative impact on perceptions of a community and therefore investment. We appreciate that only a high level, qualitative assessment of these impacts is possible, but believe that all potential negative impacts must be properly recognised.

**5. Do you have any other comments on these proposals?**

We agree that the proposed changes, if properly implemented, offer the potential for a more rounded and balanced appraisal of the optimal outcomes for management of the residual contamination on a nuclear site.

That said, the acceptability and effectiveness of the proposed changes will depend to a great degree on how exactly any proposals are taken forward at a local level. The site operators and regulators must demonstrate that they understand, listen to and engage with local government and communities. They must show that the wishes of the council and community are given central importance in any appraisal of the optimal approach.

**i. The role of Local Government**

Local authorities, and in particular their economic development, land use and waste planning functions, must be closely involved in any optimisation process. Councils have a clear interest in the impact that this legislative change may have on the timing and scope of decommissioning and restoration of the site they host. They will want assurances that any changes will not adversely impact or restrict the expected next planned use. They will expect that the site operator and regulators understand the land use and waste planning regime and the role it can and cannot play in site management after the surrender of the nuclear site license. Engagement by NDA and regulators must be appropriate and aligned to

planning cycles, with adequate time built in for local authorities to make an informed response.

It must also be recognised that the initial reaction of many within an area to a proposal for in-situ disposal will be negative.

## **ii. The views of the Community**

Communities have been told previously that sites will be returned, as far as is possible, to their pre-nuclear state. In this context, and given general concerns about radioactive waste, their view may be that the Government is renegeing on previous commitments. They may feel that the site has been turned into a 'nuclear waste dump' and that this will pose a risk to public health and be a blight on their community.

The public will need reassurance that the ending of the 'no danger' requirement will not result in serious radioactive contamination remaining on site, and that the Radioactive Substances Regulations (RSR) provide a robust means of assessing the wider impacts of different clean up proposals. It must be explained that all waste except some lightly contaminated Low-Level Waste (LLW) and Very Low-Level Waste (VLLW) will be removed; and that any decision not to remove material will be based on a clear assessment of the optimal solution.

## **iii. The need for effective engagement**

The consultation states that '*The relevant environmental regulator would expect to see evidence that the site operator has engaged meaningfully with the local community prior to submitting its plans or requesting any RSR permit for (in-situ) waste disposal.*' (4.10)

This statement is welcome. However, we would note that there are current requirements on the nuclear industry to engage with local government and communities, but that '*meaningful engagement*' is sometimes lacking. For example, our members have repeatedly highlighted to the NDA that engagement with Site Stakeholder Groups (SSGs), while important, has to be augmented by direct engagement with local authority planners and economic development officers and Elected Members. One is not a substitute for the other.

Given current experience we would like much clearer reassurance that (a) that the site operators will be guided by full and timely engagement with all relevant parts of local government and communities and (b) that the environmental regulators have the capacity and understanding to make a fair assessment of whether engagement has been to an acceptable standard. The development of effective guidance for local authority planners will also be crucial.

In terms of the community, it must be set out clearly, and in an easily understandable way, what is being proposed and why. The level of radioactivity left on site, the length of time over which it will decay, and the safeguards and restrictions that will be put in place must all be explained. In some cases the non-radiological contamination on site may pose a greater health risk than the residual nuclear material, and this must also be properly discussed. Case studies will be useful as will visualisations of the different types of disposal options that are being considered.

#### **iv. The need for collaborative working**

The consultation notes that there are 36 nuclear sites across Great Britain and that only some of these are being decommissioned at present (1.7-1.9). Current operational plants run by EDF are nearing the end of their life, and one new nuclear station is under construction – others may follow. There is clear scope for joint working between NDA and EDF on decommissioning and waste management, especially where current and decommissioned sites are in close proximity. However, our member local authorities have expressed concern about the lack of a joined-up approach at present. This must be addressed in considering any options for in-situ disposal.

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