

Note of the online meeting of the Radioactive Waste Planning Group, 10.00 – 12.30, 12th October 2020.

Present:

Steve Smith	Copeland Borough Council
Rachel Whaley	Cumbria County Council
Beth Rance	East Suffolk Council
Terry Burns	Essex County Council
Dave Illsley	Folkestone & Hythe District Council
Phil Watson	Northamptonshire County Council
Charlotte Rushmere	Sedgemoor District Council
Sion Roberts	Snowdonia National Park Authority
Louise Martin	Somerset County Council
John Burton	Somerset West & Taunton Council
Gillian Ellis-King	South Gloucestershire Council
Cameron Clow	Suffolk County Council
Philip Matthews	NuLeAF
Catherine Draper	NuLeAF

1. Welcome and apologies

1.1 PM welcomed members to the meeting, noting that it was the first meeting for Bethany Rance of East Suffolk Council. Apologies were received from Richard Griffin (Allerdale BC), Jerry Smith (Dorset Council), Lisa Chandler (East Suffolk C), Graham Hammond (Folkestone & Hythe DC), Linda Townsend (Gloucestershire CC), Gavin Kingsnorth (Maldon DC) and Doug Bamsey (Sedgemoor DC).

2. Note of the last meeting

2.1 The Note of the meeting held on 29th July 2020 was approved as a true record and will be posted on the NuLeAF website.

Action: CD

3. Matters arising

3.1 All matters were either in-hand or had been dealt with.

4. Presentation and discussion with the Low Level Waste Repository Ltd

4.1 PM welcomed Paul Pointon (CEO of LLWR Ltd), David Rossiter (Director of Waste Services), Cath Giel (Director of Communications and Stakeholder Relations) and Helen Cassidy (Head of National Waste Programme) to the meeting.

4.2 Key points from the presentation were:

4.2.1 LLWR leads the national lower activity waste programme on behalf of NDA and provides waste management services to customers.

4.2.2 In 2009, 95% of waste went for disposal and 5% was diverted to other routes. In contrast in 2020, 98% of waste is diverted and only 2% sent for disposal. By embracing treatment and diversion there has been a fundamental way in which the industry manages its waste. This has created environmental benefits and has extended the life of the LLWR to the point where if this diversion rate is maintained then the LLWR will be able to take all the lower activity waste from the NDA mission to decommission its sites.

4.2.3 In 2019-20 around 1400 consignments were transported (down from the expected 1600 due to the impact of Covid-19 restrictions). The bulk of waste came from Magnox and Sellafield. Over half of the waste diverted went to the Auegan landfill site in Northamptonshire. This arose from land clearance at Harwell which generated a lot of soil and rubble but which as very low activity. This project created space for the construction of the facility working on the Covid-19 vaccination.

4.2.4 As lockdown came into effect a number of sites went into operational shutdown or paused work. When lockdown was lifted sites restarted work in a phased manner and LLWR has worked with them to restart operations. LLWR did not close during lockdown and incinerators and landfills remained operational. The impact of the resurgence of Covid-19 is unknown - LLWR will adapt as necessary.

4.2.5 Trials are underway on emplacing the TRS drums from Winfrith. There are over 1000 drums of solidified sludge, which had originally been categorised as ILW, but which over time have decayed to LLW. LLWR has worked with Magnox to retrieve the drums and will use them to plug dead spaces in the vaults. A mock facility was constructed to enable planning, thus reducing risk.

4.2.6 The first redundant effluent tanks have been removed from the AWE site in West Berkshire. LLWR assisted AWE with characterisation and then engaged the supply chain to lift and transport the tanks which will go for metal recycling in the UK and Sweden. Two tanks have been removed and a further 26 remain. This project will run for a further two years.

4.2.7 The first refurbished TN Gemini container has been delivered to Harwell to support their transfer of ILW to Sellafield prior to disposal in the GDF. These are used for the transportation of large ILW packages and drums. LLWR sent 3 containers to France for refurbishment and relicensing. Operator training has been carried out using virtual reality.

4.2.8 LLWR is developing a 'learning from experience' platform to enable learning to be shared across the nuclear industry. It has also launched a webpage on the NDA Hub and posts case studies sharing experience good and bad. LLWR also provides an 'Expert View' whereby it will assist a client by carrying out a high-level assessment of waste forms and provides a structure review and recommendations on what to do next.

4.2.9 A review of the Environmental Safety Case (ESC) will be carried out over the next few years and will look at whether the system LLWR currently has is fully optimal. NDA has asked LLWR Ltd to look at the site to see if it can be used in a different way e.g. to support near-surface disposal. LLWR's National Waste Programme is starting to integrate to the NDA Integrated Waste Management programme, and work on this will accelerate this year.

4.2.10 Decommissioning of the Plutonium Contaminated Materials (PCM) facility has progressed to the point where all that will be left at the end of the year is concrete which will be left until it can be crushed and used as part of the cap for Vault 8.

4.2.11 Costs for Phase 1 of the final cap for Vault 8 stand at £100 million. The cap will be 3 metres thick and topped by further profiling material of 2 - 5 metres. A large area on site was cleared of trees and is being used as a stockpile area for aggregate. A haul road is being created and will complete in 12-18 months. A moveable noise barrier has been installed on the east side of the site, and new facilities management accommodation and contractors compound created.

4.2.12 LLWR Ltd is to transition to a subsidiary of NDA. The decision to terminate the PBO contract was taken as it has delivered the contract early – future of LLW disposal capacity is assured and the need for a second site has been removed. Transition to a subsidiary will complete on 12th July 2021.

4.3 The meeting moved to questions.

4.3. 1 *Q: Are you engaged with BEIS on their review of UK radioactive waste policy?*

A: LLWR Ltd is fully engaged with NDA and BEIS on the review of radioactive waste policy and a number of different discussions have taken place.

Note – James McKinney will be giving a presentation on Near-Surface Disposal proposals at the Steering Group meeting being held on 9th December. BEIS hopes

to open consultation on its review of UK radioactive waste policy in December 2020 and NuLeAF has pencilled in a meeting to discuss this on 20th January 2021.

4.3.2 Q: Regarding the Gemini containers which were taken to France, was there a cost saving made despite all the work which had to be done to refurbish them?

A: LLWR Ltd had 3 existing containers which had been made by Orano in France who also carried out the refurbishment. It is significantly more cost effective to refurbish than to purchase new containers. A container takes several years to build. The refurbished containers will be used to transport nuclear materials from Harwell to Sellafield.

4.3.3 Q: LLWR uses the facilities provided by European sites e.g. in Sweden and France. If there is no Brexit deal done by the end of the year will access to these facilities still be available?

A: We looked at our potential vulnerabilities in 2019 and are reasonably confident that we have covered everything. The only challenge may arise if there is a disorderly exit and there is a delay while the UK puts third party arrangements in place. The EU already has third party arrangements with, amongst others, Canada and the USA, so there is precedent. We would need to work with the environment agencies to manage the back log.

4.3.4 Q: How will Near-Surface Disposal and accelerated decommissioning of Magnox reactors affect waste arisings.

A: Part of the Environmental Safety Case (ESC) review is to look at the inventory which will arise – what the mix of waste will be, what packaging will be required etc. We will also need to look at how we operate and close Vault 9, and the feasibility of putting a near-surface disposal facility on the LLWR site. We need to demonstrate the best use of LLWR and give NDA options on which they can base their decisions. In respect of accelerated decommissioning of Magnox reactors – we are seconding staff between the two companies to enable learning and looking at the potential waste arisings. It does bring challenges, but also presents opportunities. There is more work to be done in this area.

4.3.5 Q: Are you working with Magnox looking at the technical side of on-site disposal. You have significant expertise and Magnox should take advantage of that and not reinvent the wheel.

A: We are working with Magnox regarding off-site treatment routes and will also be involved in discussions about what remains on-site. NDA's Integrated Waste Management approach will look for standardisation and application across the NDA estate.

4.3.6 Q: From what you've said, the future of the site could change significantly subject to the updated Environmental Safety Case. How reliant is the ESC on your having appropriate destinations for the 98% of waste that is diverted from disposal

at the LLWR? Do you monitor the capacity of these waste sites, and identify or develop new destinations?

A: We work with the operators of those facilities and they keep us informed as they develop new facilities and work on planning applications. We support them, providing information such as forecast arisings data. We look to them to put in market led solutions for waste arisings. Operators have assured us that they have capacity for a number of years. If there is still a need after current facilities are filled then either an application for extension or for a new facility will be made.

4.3.7 Q: Given that in the greater scheme of waste producers nuclear is small and landfill sites are under pressure to close, does that present problems for you?

A: There will be challenges and we need to monitor the situation. If landfill sites did disappear in time, then we would need to look further at on-site disposal. Environmental regulators are increasing their challenge to waste producers on how waste is managed. One waste in the spotlight is concrete and NDA is looking at launching work over coming years to identify treatment techniques for concretes as a waste group to enable sorting and separating with the view of reducing the volume of contaminated waste, or the contamination level.

4.4 PM thanked the speakers for attending the meeting. It was generally felt that the PBO model had worked well at LLWR Ltd and hopefully the good work would continue under the new management arrangements.

5. Discussion on master-planning with NDA and Magnox

5.1 PM introduced the session. The group had earlier (January 2019) had a very positive presentation from Charlotte Rushmere, then with Dorset Council, and Elly Joyce of Magnox on the development of a masterplan for the decommissioning of Winfrith site. It was an approach that members would like to see replicated at other sites, but it was felt that progress was not being made on engagement at a local level. Issues arose as planning applications were received in isolation with no context for the wider plan for the site. The lack of information also impedes discussions on beneficial interim or end uses for the site.

5.2 SS advised the meeting that Sellafield has developed a master-plan for the site, but as yet, Copeland BC has not yet been permitted to see it. He would welcome more openness and transparency on this issue.

5.3 CR said that although she no longer worked for Dorset C, she was able to see how the policy she wrote was working. The master-plan was a flexible vehicle for embedding options for decommissioning with the support of the Local Plan. It gave certainty not just to those who lived around the site, but also to Magnox that there was policy support for their proposals. It centred around people and place and

facilitated the on-going long-term relationship between the SLC, local authority and community.

5.4 The current engagement by Rolls Royce and others developing small modular reactors (SMRs) and their interest in deployment on NDA sites did highlight the need for strategic master-planning if this was going to happen. Solar farms were an alternative option and these helped support sustainable local objectives.

5.5 Frank Wigley (NDA) thanked the meeting for their comments and recognised the importance of this issue to local authorities. NDA is trying to drive a group wide approach on wider land use issues, and to improve the detail in strategy on how sites and NDA owned land around sites is used. It will set out principles on how land will be used, but also how NDA will engage with stakeholders on this matter. NDA recognises that redevelopment needs to support communities and government strategy.

5.6 FW was hoping to set up a peer group of Town and Country Planning Specialists and those involved in this area in NDA to share learning. NuLeAF has been asked to help with its formation.

5.7 Bill Hamilton (Magnox) pointed out that Magnox was one year into a new management model and the organisation is very different from what it was under the old PBO management model. Magnox is looking at new ways of carrying out decommissioning with a longer-term view that is more aligned with NDA's strategy.

New Life-Time Plans are being developed setting out funding requirements and dates for key programmes. On top of this NDA is developing a new decommissioning strategy for Magnox which moves away from Care and Maintenance to a bespoke strategy for each site. Trawsfynydd has been identified as the lead and learn site for the new strategy. NDA and Magnox are also awaiting the outcome of the government spending review, and this will impact on the speed with which sites can be decommissioned. Whilst the master-plan approach worked well at Winfrith and this could probably be replicated at the other former research site Harwell, the former power station sites were different. BH felt that once the review of Life-Time Plans had been completed in the next 12-18 months then master-planning could be discussed.

5.8 CR thanked BH and FW for explaining the current situation and recognised that they were managing significant change. Until the Town and Country Planning Group (TCPG) is up and running NDA and Magnox should look to local planners to provide expert, non-binding advice. This will mean that their decommissioning plans won't have to be adjusted to fit local development plans. It was important that NDA and Magnox avoided taking a top down approach and engaged with local authorities on what the vision was for the area. A strategic masterplan which is supported by local authority policy will support NDA and Magnox's decommissioning plans.

5.9 FW thanked CR for advice. NDA does try to engage with local plans as they are developed, but he recognised that there was scope to improve on this. One of the aspirations for the TCPG is that it will help spread learning around the organisation.

5.10 GEK commented that South Gloucestershire Council was in the early stages of developing their Local Plan which would run until 2036. She was looking for Magnox's agreement in principle to a strategic master-plan approach, not a master-plan in detail. She felt that the local authority would have information and advice to feed into the site Life-Time Plan, not on how Magnox should decommission the site, but how the site can be positively planned. This would support Magnox's work.

5.11 BH said he was sympathetic to the concept of master-planning, but there were practical barriers. Magnox would engage with the TCPG. FW hoped NDA's Strategic Land Working Group would engage with NuLeAF and that there would be further opportunities for engagement in the future.

5.12 PM thank FW and BH for joining the meeting and their input to the discussion.

6. 'Planning for the future' consultation and planning obligations

6.1 PM reviewed the paper which had been circulated prior to the meeting and thanked Gillian Ellis-King for her substantial contribution to the final draft. If there were any further comments could they please be submitted to Nuleaf by close of play on the 23rd October. Members were encouraged to submit their own responses.

7. RWPG intranet

7.1 This topic had arisen from comments by a member that the current method of circulating documents for comment could perhaps be more efficiently carried out by another method. Nuleaf had circulated a paper prior to the meeting outlining potential solutions, but none presented an option without drawbacks.

7.2 There being no better solution proposed, it was agreed that the current approach would be continued.

8. Update on GDF siting process

8.1. SS gave an update on developments in West Cumbria. Copeland BC has set up a working group to discuss setting up the formal GDF Working Group. The group comprises the council and the three interested parties. A lot of work is required as Copeland BC is the first to go through this process, but hopefully it will simplify the process for those engaging in the future. Copeland BC engages with Allerdale BC at both officer and member level. There is only one interested party in the Allerdale pre-Working Group group. Copeland BC is taking legal opinion on the funding agreement supplied by RWM which runs to 64 pages. It is unclear why a PPA cannot be used. SS felt that discussions on devolution in Cumbria would not impact on the process. It is understood that RWM has met with the Leader, CEO and Director of Economy & Infrastructure at Cumbria CC who have indicated that they will join the Working Group once it has been set up, but not participate in pre-Working Group discussions.

8.2 PM had participated in an event organised by ADEPT and RWM on low carbon infrastructure. The audience had not been large but questions posed had been pertinent. RWM will continue to engage with ADEPT, and also DCN and CCN.

8.3 Concerns were expressed that neither NDA nor RWM had experienced planners on their staff and tended to contract out for planning advice. Their lack of understanding and failure to take planning issues into consideration was a result of this lack of on-hand expertise.

9. Update on developments in radioactive waste management

1.1 PM highlighted points from the paper which had been circulated prior to the meeting. Hazel Blears had been appointed Social Value Specialist at NDA. Following an introduction from former NuLeAF Chair, Cllr Brendan Sweeney, PM had spoken to Ms Blears earlier this year and following her appointment had written emphasising the importance of engagement with local authorities and inviting her to speak to Nuleaf. The socio-economic team at NDA had been expanded with the appointment of Neil Smith, and PM had spoken to Neil in the last few days. It had been proposed that Hazel and Neil present to the March Steering Group.

1.2 BEIS hoped to consult on their review of UK radioactive waste policy in December 2020, and NuLeAF had pencilled an online meeting for 20th January.

1.3 The National Audit Office report on the termination of the Cavendish Fluor contract noted that NDA had incurred a further £20 million in costs on top of the £122 million in damages already paid out.

10. Local site updates

East Suffolk: A judicial review regarding objections to the decision by ESC to give permission for EDF to undertake works at Coronation Wood which was brought by Together Against Sizewell C was dismissed by the High Court and costs were awarded to the council. EDF will submit revised proposals which will include use of some land on the A site. This will reduce the land take from the AoNB. Engagement with Magnox on decommissioning is on-going. ESC has had initial discussions with EDF Energy representing Sizewell B and Sizewell C on potential opportunities including the potential to utilise low grade heat from Sizewell B and in the future higher-grade heat from Sizewell C (potentially proposing to install hydrogen electrolyzers powered by Sizewell B that could be used by Council vehicles e.g. to run hydrogen fuelled vehicles). The council is pleased to be having these discussions and hopefully they will go somewhere positive.

Essex: Two applications are going to planning committee regarding conditions on permissions which will tidy up standing arrangements.

Northamptonshire: A meeting had been held with Augean where they had confirmed their proposed timetable for the application to extend the King's Cliffe landfill site. Pre-application engagement was being undertaken and there seemed to be no outcry from the local community over the plans. Volume of waste received at the site this year were significantly lower than the previous year – an effect of decommissioning sites suspending work due to Covid-19. The community benefit received last year was £72,000 arising from disposal of 14,511 tonnes of waste. The benefit this year would be considerably less.

Snowdonia National Park: Trawsfynydd has been announced as the lead and learn site for accelerated decommissioning of Magnox reactors.

Somerset: The scoping report expected from EDF in September regarding the decommissioning of Hinkley Point B had not been received, and LM was waiting to hear EDF's revised timetable for submission.

Somerset West & Taunton: JB advised that EDF had been of the opinion that the various demolition and construction of buildings proposed which would support the decommissioning of Hinkley Point B could be carried out under permitted development rights. As the station will no longer be generating or supplying electricity, JB had advised them that permitted development rights were no longer applicable. EDF were seeking legal opinion on this. JB undertook to circulate a note on the permitted development rights term. (See Appendix A).

Action: JB/CD

South Gloucestershire: The council hopes to consult on its draft Local Plan and will forward a copy of the draft to Nuleaf to circulate.

All others reported no updates for their area.

11. Date of next meeting

11.1 The next meeting will be held online on 28th January 2021, 10.00 – 12.30.

12. Any other business

12.1 Opinion was expressed that Nuleaf needs to keep pushing for adopting strategic master-planning at sites.

12.2 It was noted that online meetings do not permit networking and discussion outside the meeting proper. It would be beneficial if, whilst meetings were having to be held online, a way of facilitating this could be found.

12.3 Regarding the decommissioning of the AGR fleet, concerns were expressed that EDF was developing its own strategy and NDA was consulting on Strategy 4. Unless there was liaison between the two the strategies could be at variance. It was noted that the BEIS Private Secretary had stated, in front of the Public Accounts Committee, that de-fuelling of the AGR fleet would be carried out by EDF and then the stations would be passed to NDA for decommissioning. A formal announcement would be made once the commercial agreements had been finalised.

12.4 There being no further business the meeting closed at 12.39.

Action List

Item	Action	By	Outcome
12th October 2020			
2.1	Post agreed Note of the Meeting held 29 th July on NuLeAF website	CD	Done
10	Circulate note on terms for use of permitted development rights under the Energy Act.	JB/CD	Circulated 13 th October. See Appendix A.
29th July 2020			
8.2	Contact NDA re Local Economic & Social Impact Strategy and implications of Covid-19 crisis on local community	PM	John McNamara to raise with Andrew van der Lem at NDA

Appendix A

Note prepared by John Burton, Somerset West & Taunton Council regarding decommissioning of Hinkley Point B

EDF Energy are currently considering options for decommissioning when they cease production of electricity at Hinkley Point B in 2023. I have been negotiating with them over what the Planning Regulations will allow without the need for planning permission, by way of development and preparation works in advance of formal decommissioning. This is covered by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) - the GPDO. It appears to me that EDF Energy had made the assumption that they had Permitted Development rights under the GPDO, Part 15, Class B (Electricity undertakings), particularly Class B (f), which states that “*any other development carried out in, on, over or under the operational land of the undertaking*” would be permitted Development (i.e. not requiring the benefit of consent from the Local Planning Authority).

Class B makes clear that Permitted Development rights exist where, (1) the ‘*development is by statutory undertaker*’, and (2) where it is for ‘*the generation, transmission, distribution or supply of electricity for the purposes of their undertaking*’. EDF Energy are a statutory undertaker and so part (1) is met. However, I believe that part (2) would not be met, because the works we had discussed, mainly earthworks, would be in connection with the provision of waste storage facilities required during decommissioning. It appears to me that decommissioning (and any works associated with that) is not for the purpose of ‘*generating, transmitting, distributing or supplying electricity*’ and so could not be considered to be Permitted Development.

My response appeared to come as a surprise to EDF and they said that they would seek a legal opinion on the matter. I will report this to NuLeAF, if it is shared with me. I mentioned all this at our meeting, partly because I thought it was useful information to share, but also because I was seeking some reassurance that I was in fact interpreting the GPDO appropriately. I am therefore grateful to Terry Burns for confirming that his Council has had similar discussions with EDF Energy a few years ago in respect of Bradwell.

I agreed that the demolition of buildings in order to make way for the earthworks and new buildings, is covered by Part 11, Class B of the GPDO and so would be Permitted Development.