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Dear Sir/Madam,

**Consultation response: Guidance on the requirements for
authorisation and staged regulation for the disposal of solid
radioactive waste**

1. Introduction

Nuleaf (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on nuclear legacy wastes and decommissioning. We are directly supported by around 100 local authorities and national park authorities across England and Wales and speak for the wider LGA.

Nuleaf's 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 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.



Nuleaf is active in advising the UK and Welsh Government, the NDA, Nuclear Restoration Services (NRS) and Nuclear Waste Services (NWS) on all aspects of strategy, policy and practice in the management of nuclear waste.

Our Executive Director was a member of the Community Representation Working Group (CRWG) that advised the Secretary of State on the Working with Communities policy for the Geological Disposal Facility (GDF) siting process; and gave evidence in person to the BEIS Committee of the UK Parliament on the planning aspects of GDF siting.

Nuleaf engages directly, and through a range of Government and NDA fora, with the Environment Agency, Natural Resources Wales (NRW) and the other UK environment agencies. We have recently appointed a staff member to support the work of our Scottish sister organisation, SCCORS (Scottish Council Committee on Radioactive Substances). Through her, we will be engaging in the parallel consultation process running in Scotland.

This consultation response was informed by a presentation and discussion with the Environment Agency at our Radioactive Waste Planning Group (RWPG). The comments of our members on a draft version have been incorporated in this submission.

2. Overview

The context for nuclear waste management has changed significantly with the publication of the **UK policy framework for managing radioactive substances and nuclear decommissioning** in May 2024. Nuleaf supports the emphasis that the new Framework places on the application of the waste hierarchy and on the adoption of a risk informed approach.

Given the new Policy Framework and other developments in radioactive waste management, the updating and replacement of the 2009 Guidance is timely.

We agree that there is a need for appropriate management of radioactive waste based on a diverse range of facilities. However, it is important to recognise that all waste management activities – storage, transportation,



waste reduction/recycling/recovery and disposal – impact on communities and require their acceptance and consent. Engagement with communities and local authorities must go beyond the GDF siting process and encompass all aspects of solid waste management.

This consultation is focussed on how these two documents address regulatory requirements and technical standards and consider the process for staged regulation. We believe that both are fully aligned with agreed international standards. Our comments on both **Disposal facilities for solid radioactive waste: guidance on requirements for authorisation (GRA)** and **Geological disposal facilities for solid radioactive waste: Staged regulation guidance** therefore relate to:

- Clarity and ease of reading (Question 1) and how this guidance and the processes it sets out will enable engagement with local government and communities, through the GDF siting process and in terms of wider waste management.
- Wider impacts such as sustainable development (Question 4).

We have not commented on important areas that are out of scope for this consultation, such as the proposed siting/planning aspects of waste facilities. We believe however that this document should be clearer on the exclusion of siting/planning – for instance, the documents do discuss 'surface based intrusive investigations' which some may interpret as part of the siting process. Clarity on this is very important to, for example, Community Partnership involved in the GDF siting process, and to local authorities.

3. Disposal Facilities for solid radioactive waste: guidance on the requirements for authorities (GRA)

Clarity and ease of reading

Given that this is a technical guidance document, with a requirement for precision, we believe that it is in general clear and logically structured. We welcome the explanation that is provided on the role of local planning authorities (see below also), and the emphasis on engaging with interested parties including councils and communities. We also support the



acknowledgement that different styles and levels of documentation are required to enable communication with different audiences.

Clarity would be further enhanced by:

- The use of diagrams and visual communications, with the inclusion of timelines.
- A fuller explanation of the distinction between Near Surface Disposal (NSD) and geological disposal.
- A comprehensive explanation of the entire disposal process, including methods of waste processing and management once waste is destined for disposal.
- An outline of how this guidance will be used to support engagement between the Environment Agencies and communities and local authorities that will host radioactive waste management facilities.
- A fuller explanation of the respective roles of the Environment Agencies (EA/NRW/SEPA); the ONR and the HSE.
- A fuller explanation of the extent to which the transportation of waste is considered within the processes outlined in the Guidance.

The document refers to the separate staged guidance - it would be helpful if a link is provided in the final published document and vice versa.

We also believe that, to aid communication, the production of a more concise and accessible version should be considered, to help engagement with the public. Such a non-technical summary could be published by the Environment Agencies or potentially by the UK Government.

Finally, while we accept the clear distinction between Scottish policy and that of England and Wales with regard to geological disposal, we note that Scottish Higher Activity Waste (HAW) policy will be consulted on this year and there is scope for policy to change to include geological disposal.

Relevant Principal Local Authorities (RLPA): The role of local planning authorities is acknowledged, but closer collaboration with RPLA officers on technical aspects, particularly during early engagement is recommended. The



guidance could consider formalising engagement between the EA and local authorities (and other stakeholders), particularly during early engagement.

Sustainability

We support the Environment Agency's application of their EA2025 Action Plan to radioactive waste management. It is vital that all decisions on the management of radioactive waste are guided not just by appropriate regulation but by wider sustainable development principles, reducing environmental impacts and greenhouse gas emissions and benefitting local communities and society.

In its current form, the Guidance makes little reference to the management of sustainability impacts of what, in the case of the GDF and Near Surface Disposal Facilities (NSDs), will be significant developments. To this end, we believe that a specific requirement on sustainability should be added, explaining how this should be considered in the development and operation of a radioactive waste facility.

We note that the text of the draft Guidance makes little reference to consideration of climate change impacts, for example in the relation to natural disruptive processes. (Requirement 17).

The Guidance should also recognise the impact on communities of waste management operations and the need to mitigate these. It should therefore include reference to the social and economic aspects of sustainability and the need to benefit communities and wider society. A requirement for engagement of communities should be made clear.

Further comments on text: Appendix 1 contains some further comments and questions on the text of the document.



4. Geological disposal facilities for solid radioactive wastes: Staged regulation guidance

Legal and Policy Framework: The document could provide a more comprehensive overview of the legal and policy framework governing the development and operation of GDFs. This should include a summary of key legislation, regulatory bodies, and their roles and responsibilities.

Clarity and ease of reading

Given the different positions of the UK and devolved administrations on geological disposal, we agree that it is sensible to separate this staged regulation guidance from the GRA.

As with the GRA, we feel that this guidance is, for a technical document, reasonably clear and easy to read. That said, clarity would be further enhanced by:

- The use of diagrams and visual communications, with the inclusion of timelines.
- An explanation of wider policy framework for geological disposal, in particular the requirements for the process to be underpinned by a local authority right of withdrawal and a test of public support.
- An outline of how this guidance will be used to support engagement between the Environment Agencies and communities and local authorities engaged in the GDF process.
- A fuller explanation of the respective roles of the Environment Agencies (EA/NRW/SEPA); the ONR and the HSE.
- A clearer explanation as to whether this regulation applies to the headworks/above ground operations as well as those related to the sub-surface GDF.

Requirements for engagement of the communities within the GDF siting process will necessitate the production of simpler and more accessible public facing communication materials to explain this guidance. We propose that the Environment Agencies should work with GDF Community Partnerships, local authorities and bodies such as Nuleaf and CoRWM (Committee on Radioactive



Waste Management) to develop this. Alternatively, the UK Government could engage with interested parties to develop a non-technical summary.

Relevant Principal Local Authorities: The role of local planning authorities is acknowledged, but closer collaboration with RPLA officers on technical aspects, particularly during early engagement is recommended. The guidance could also consider formalising engagement between the EA and LAs (and other stakeholders), particularly during early engagement.

It is also important that a distinction is made between Local Planning Authorities and Mineral and Waste Planning Authorities. In two tier areas it is essential that the County Council (as the Mineral and Waste Planning Authority) and District Council (as the Local Planning Authority) are engaged and consulted on permit applications associated with any future developments in that area.

Also, there is no recognition that National Park Authorities are also Planning Authorities - for example this would include the Lake District National Park Authority in Cumbria. Whilst the area of the National Park has been excluded from the GDF siting process, as a neighbouring planning authority, the National Park Authority should also be engaged where appropriate on permitting matters. Therefore the wording of the guidance should reflect the need for the 'relevant planning authorities' to be engaged and the planning authority role of National Park Authorities should be acknowledged.

Sustainability

As with the GRA, we believe that a specific requirement should be added around sustainability and how it should be considered in the development and operation of a radioactive waste facility.

It is important that, in line with the EA2025 Action Plan, the Guidance includes reference to the social and economic aspects of sustainability and the need to benefit communities and wider society.

Long-term Monitoring: More detailed guidance on long-term monitoring requirements, including types of monitoring, frequency, and data management practices, is needed. The guidance should outline how



monitoring data will be used to ensure ongoing safety and inform future decision-making. Monitoring for public reassurance after release from Radioactive Substance Regulations (RSR) is not required, although this does not prevent such monitoring from being undertaken so long as it does not compromise the environmental safety of the disposal system. Given the long-term nature of the GDF program, it is important to understand the degradation of measures (including monitoring technology) and account for future uncertainties. Monitoring plans should consider future resilience, not just continued compliance.

I hope these comments are helpful.

Yours faithfully,

Philip Matthews
Executive Director



Appendix 1: Further comments on specific text of Disposal Facilities for solid radioactive waste: guidance on the requirements for authorities (GRA)

Page 5 – Under 'Audience' it would be appropriate to include Waste Planning Authorities. The planning authority are mentioned elsewhere in this document and are relevant to this documents success. This change could also be made on Page 4 of the Staged Regulation Guidance.

Page 73 – Under section 'Non radiological environment ...' second paragraph: It may be appropriate to suggest that consideration should be given to whether any amendments to planning control/permitting are required if significant changes to a site become necessary.

Page 86 – Under section 'Obtaining an Environmental Permit' – As with comment reference page 95 below, it would be useful to add in a reminder that planning may also be required whether through local authority or Development Consent Order.

Page 89 – Under section 'maintaining the ESC', second paragraph, there may be instances where changes to the ESC as a controlled document could also require changes to the respective planning permission.

Page 95 – Last para – This is the only section that sets out that planning/DCO may be requiring information on the specifics. More acknowledgement of planning requirements should be made elsewhere in the document.