

RADIOACTIVE WASTE MANAGEMENT AND SPATIAL PLANNING

Seminar report, April 2013

Introduction

This report provides an overview of the presentations and discussion at the seminar which took place in Local Government House on 12 March 2013.

The purpose was to:

- promote understanding and discussion of current developments in radioactive waste management
- identify the implications for spatial planning and development control; and
- identify the issues for NuLeAF to address on behalf of its member authorities.

The seminar agenda is attached as Annex A. Speaker presentations are available on the NuLeAF [website](#). The participants list is attached as Annex B. The information sheet is attached as Annex C.

In total 53 people participated in the seminar, including representatives from 19 local authorities. Participants also came from DECC, DCLG, the Environment Agency, Kingston University, LLWR Ltd, Magnox Ltd, Ministry of Defence, NDA, North London Waste Plan, North Wales Minerals & Waste Planning Service, Planning Officers Society, Sellafield Sites Ltd, Snowdonia National Park Authority and Welsh Government.

Key points from the morning presentations

Rob Murfin, Planning Officers Society, Radioactive waste issues in planning – a local authority perspective

- Starting point for radioactive waste management planning has to be the National Planning Policy Framework (NPPF) which focuses on sustainable development and growth. This places an emphasis on local decision making and a move away from control to the facilitation of development.
- A year on from its introduction, the NPPF has shifted the emphasis from the impacts of developments to the benefits. Industry has taken time to adopt the new approach.

- Society is generally disconnected from the issue of how the waste it generates should be dealt with. It recognises the need, but tends to take the view that disposal facilities are required and necessary, but that they should not be developed in their own locality. This is even more prevalent when dealing with radioactive wastes.
- Majority of Very Low Level Waste (VLLW) from the Non-Nuclear Industry (NNI) is generated in urban environments (by hospitals, universities etc). Officers and members need to accept that there will be resistance by the general public to disposal of this material in their locality.
- Historically, most Low Level Waste (LLW) has been disposed of in facilities used for other wastes. There are concerns about the continued availability of these facilities as the need for landfill sites reduces, and also about the need to transport these wastes long distances to a remaining appropriate site.
- Planners need to consider the following:
 - plans need to be consistent with national policy and should also allow for importation of waste
 - policies should be positive – under NPPF they should look for solutions, not restrictions
 - give due regard to the Duty to Cooperate
 - that the definition of the waste itself will give rise to public concern and needs to be handled in a positive proactive manner otherwise it is a deterrent for waste operators to provide a disposal service
 - it is appropriate that local communities should take greater responsibility for how they deal with non-nuclear industry arisings
 - not all Waste Planning Authorities (WPAs) need to have a LLW facility, however, that does not mean a default approach of 'send it to Cumbria' or another WPA is acceptable
 - WPAs should actively state the conditions under which LLW can go to given facilities
- Government does not believe that it is appropriate to require operators of commercial waste facilities to take particular wastes. It supports provision of sufficient opportunities within local planning strategies to meet the NNI disposal needs.

Mark Plummer, Department of Communities and Local Government, Planning and radioactive waste management

- The top priority of the government is to restore the health of the national economy. There are two core parts to the government strategy to achieve this:
 - to get to grips with the deficit
 - to encourage business, remove barriers to growth, unlock the potential and support job creation.
- Planning can contribute to the above by:

- planning positively in favour of sustainable development
 - encouraging greater democratic and local control
 - simplifying and increasing the effectiveness of planning
- The methods for delivering these through planning reform are:
 - the Localism Act: the Duty to Cooperate, neighbourhood planning and revocation of Regional Strategies
 - the National Planning Policy Framework: robust evidence of need and 5 year land supply, strong protections still in place, presumption in favour of sustainable development, slimming 1300 pages of policy down to less than 50 and 6000 pages of guidance down to a few hundred
 - deregulation and simplification: Community Infrastructure Levy (CIL), Section 106, Class Orders, information requirements, permitted development rights
 - Growth and Infrastructure Bill: tackling poor performance in local authorities, speeding up appeals, awarding costs, identifying statutory consultees, unblocking stalled site, fast tracking major infrastructure
- Detailed waste policies remain in Planning Policy Statement 10. DCLG has started to review this based on NPPF principles. No major changes are anticipated beyond reflecting existing EU and national legislation. The review needs to be consistent with the National Waste Management Plan being produced by Defra.
- The National Waste Management Plan is needed to deliver requirements of Article 28 of the EU Waste Framework Directive and will be subject to Strategic Environmental Assessment. It will draw from existing policies and will not contain any new waste policies. Consultation should take place late spring early summer, with the possibility of workshops. The updated Waste Management Plan and Planning Policy should be completed by the end of 2013.
- The Duty to Cooperate (DtC) is a key element of strategic planning, intended to promote working on strategic cross boundary issues. Local planning authorities and public bodies are required to engage constructively, actively and on an on-going basis in relation to the planning of sustainable development.
- Waste management is one of the areas which the NPPF states that councils should set out strategic priorities to deliver.
- Councils are required to demonstrate that they have complied with DtC:
 - legally – at the independent examination of Waste Local Plans
 - as a policy test – a plan will only be found sound if it is deliverable and based on effective joint working on cross-boundary strategic priorities
 - reporting – under Local Planning Regulations 2012 councils are required to report progress against DtC in their Annual Monitoring Reports (AMRs)
- Councils should use DtC as an opportunity to:
 - get the evidence right (and spread the cost with your partner councils)
 - reach agreements with partners on joint working approaches

- explore the opportunity for jointly adopted policies and other strategies
- Following these steps will help councils demonstrate at examinations that they have met the legal requirements and evidence of effective joint working on cross-boundary strategic priorities is a key element in demonstrating the soundness of local plans

Key points and questions from the morning discussions

- *How do you see radioactive waste being addressed in the National Waste Management Plan?* It probably won't be as it is not a directive waste and is addressed under a separate regime.
- *DCLG guidance highlighted the need to plan for LLW – is this not a missed opportunity to consolidate planning guidance?* The decision was taken by ministers in Defra a long time ago not to address any new issues in the National Waste Management Plan.
- *What was the thinking behind the DCLG decision to include radioactive waste in their guidance?* We were trying to describe what is happening on the ground and to facilitate the production of sound plans.
- Planning policy makers need to recognise the real drivers and understand their area and its requirements
- DECC produces some guidance for planners including non-nuclear industry radioactive waste which was published in 2012. The NORM (naturally occurring radioactive materials) strategy is under production and should be published at the end of this year or early next, with this work being led by the Scottish Government. Information on waste arisings in the different sector is improving.
- It would be beneficial if there was standard use of waste distinctions, preferably those used by LLWR Ltd as LA-LLW and LLW require different facilities for disposal.
- Work is currently being undertaken at LLWR on refining the data around what LA-LLW would be suitable for disposal at landfill.
- *Northamptonshire County Council is reviewing other local authorities' waste plans and commenting on the need to ensure that they comply with the Duty to Co-operate if waste is likely to be disposed of outside their area. Why doesn't central government ensure this is done?* The challenge in planning is how you address the issue if you host a facility of which few are needed nationally. Government is trying to address this through the Planning Act, but it does not dictate where facilities should be put.
- *How can the public be protected from contaminated materials being brought into the UK and entering the supply chain?* Local authorities are the front line in terms of investigating contaminated land. The Environment Agency (EA) regulates contaminated materials through the environmental permitting scheme and there is a duty on scrap metal merchants not to let contaminated materials

enter the supply chain. An international agreement is being negotiated to reduce the problem.

- *There is a lack of good data available on the expected quantities of waste-stream arisings, especially in the non-nuclear industry sector.* DECC undertook a data survey when producing the non-nuclear industry strategy but struggled to get information from the smaller organisations. It would be appropriate to conduct a review of the strategy to see what is working and what needs revision. Let us know what data you would like us to include.
- Planning policy needs to provide sufficient evidence for members to be confident to make a decision at committee, but should avoid over complicated requirements which fudge the issues.
- EA is undertaking an annual report of waste facilities in England and Wales. This could be a helpful resource.
- The Planning Inspectorate will recognise that there are limitations on the level of evidence which can be provided – make it 'simple, but not too simple'.
- *How do we best address the economic issues in waste plans?* Use the regeneration teams in Local Enterprise Partnerships. Local authorities (LAs) need to be proactive in how they give the public information about the issues. People are more interested in issue based politics. If LAs don't provide credible information proactively then the public is more likely to be informed by unsubstantiated evidence from the internet.
- *What are DECCs work plans for future radioactive waste policy?* There are no plans to review the main policy of 2007. However consideration will be given as to how to 'join up' nuclear and non-nuclear industry policy when the review of the latter is carried out in 2014.
- *Focus is often on the dis-benefits of hosting a facility rather than the benefits. The Windfarm industry has a community benefits protocol. What are the panel's thoughts on a similar protocol for radioactive waste?* Similar questions have been raised in relation to shale gas production. RenewableUK is looking at the effectiveness of its community benefits policy for onshore windfarms. Currently, the Government has introduced the Community Infrastructure Levy (CIL), new homes bonus and, from 1 April 2013, business rate retention as methods of conferring community benefits. NPPF should give operators more confidence in offering benefits to host communities. It is still possible to deliver community benefits through Section 106 Agreements, and there is always the possibility of a private contract which sits outside the planning system.

Key points from the afternoon presentations

Dave Rossiter, Low Level Waste Repository Ltd, Low Activity-Low Level Waste (LA-LLW) Arisings and Capacity Analysis

- The existing repository has capacity to deal with waste arisings until 2130, but only if the space is managed wisely through:
 - recycling and volume reduction
 - seeking alternative solutions for LA-LLW and VLLW
- NDA is co-ordinating a number of key workstreams which will inform its position on the management of LA-LLW. These include:
 - analysis of arisings versus capacity
 - feasibility of on-site disposal at Sellafield
 - assessment of on-site disposal at other NDA sites
 - assessment of use of LLW in the cap at the LLWR site
 - review of criteria for de-licensing nuclear sites
 - review of CIRIA project on coastal erosion of landfill sites
- The Capacity Gap Analysis has been undertaken by LLWR by reviewing the national inventory forecasts for LA-LLW and VLLW, and by reviewing the capacity of existing sites nationally and regionally for the period 2012 to 2030. Wastes generated for disposal at Dounreay and CLESA (Sellafield) were excluded as they would be disposed of on-site only. The resulting analysis will be published shortly on the LLWR website following consultation with the VLLW Working Group and the supply chain.
- The review concludes that although there is uncertainty in the inventory volumes there is adequate capacity in the existing permitted landfill sites until December 2016, and if the planning consents currently applied for are approved then that extends to 2026-30. However, the analysis only considers waste arisings from the nuclear industry and not other potential users of these facilities, and recognises that there is a need to improve accuracy of the inventory data in terms of volumes and classification of the wastes.
- The 2010 National Strategy for the management of low level radioactive waste clearly states that there is a need for alternative solutions for the disposal of LA-LLW and VLLW, but doesn't specify what they should be or where they should be located. LLWR and NDA acknowledge the concerns raised in dialogue with NuLeAF and individual local authorities that clarity needs to be brought to the situation and to the planning regime. In addition, the question of how each site which generates these wastes will consult with the local community which hosts sites designated as national disposal facilities remains to be addressed.

Key questions from the afternoon discussions

- *Given the restrictions on disposal of waste from outside the region at the Clifton Marsh facility, there would appear to be a lot of reliance on the other few sites designated as national facilities in dealing with the waste arisings? Waste producers must take the proximity principle into consideration, but there is also a need to ensure that taxpayers' money is spent wisely. At present, forecast waste arisings are below capacity available if planning permissions are approved.*
- *What happens if the permissions are not approved? We'll have to see if other commercial operators come forward to fill the gap.*
- *Is expecting a market led solution the wrong approach? Shouldn't there be strategic guidance given at a national level rather than local? It is not central government or NDA's role to dictate where waste facilities should be located.*
- *What happens after the permissions currently awaiting approval with National Infrastructure Directorate (NID) expire? Sellafield is looking at on-site disposal and other operators will need to invest in capacity elsewhere. The waste industry will need to review the situation when this happens, however, if the current planning permission applications are approved we have 20 years in which to find an alternative solution.*
- *How does this address the proximity principle? Each nuclear site needs to demonstrate that it has considered the proximity principle.*
- *The proximity principle is no longer in planning guidance. It has been replaced by the need for each community to take responsibility for its own waste. When Magnox considered the waste plan for Hinkley Point A it considered that it was not the best practicable option to dispose of waste on-site and then applied the same principle to all its other sites. It is important to recognise that Magnox undertook a significant amount of work at Hinkley Point A (HPA) including considering the engineering required for a disposal facility and value for money. Magnox then carried out a detailed analysis of relevant site specific factors at the other sites before drawing its conclusions that onsite disposal was not the best option.*
- *Landfill is an old fashioned means of disposal and capacity is dwindling. This was part of the work we carried out. The waste hierarchy has been applied throughout the nuclear industry to ensure landfill capacity is used to its best ability and only once other options higher up the hierarchy have been considered.*
- *What are the plans for dealing with the radioactive waste which will be produced by fracking? Data is very thin regarding forecast arisings for this source. LLWR's priority is to deal with waste from the nuclear industry. Work is being planned by Government to develop a strategy for the oil and gas industry which will include a review of arisings. This is expected to take around 12-18 months.*

- *When is the outcome of the work programme to evaluate reuse of LALLW in the LLWR cap expected?* It's expected the work will take 1-2 years to complete, it will then be summarised and a position statement published.
- *If the permissions awaiting approval are granted and capacity is assured for the next 20 years, then what policies should we be advising our elected members to adopt? If we have an open policy then all other local authorities should follow suit.* It is recommended that local authorities do not unnecessarily preclude development of facilities. Any disposal site would still have to demonstrate that it was safe and suitable for disposal before it would be granted an environmental permit and that there was a need for the facility to the planning authority. There would need to be a sufficiently robust business case before any operator would even consider applying for a permit. Given the high cost of planning and permitting and relatively low volumes of waste currently arising, it is not anticipated that there will be many operators coming forward.

Philip Matthews, Next Steps for NuLeAF

- There is a clear need to move from strategy to practicalities and to build a consensus around how this process should be managed
- NuLeAF will be revising its guidance for local authorities in how to address radioactive waste issues in Waste Local Plans
- We will continue to engage with the Environment Agency on topics such as how Best Available Technique (BAT) is used and what it exactly means and on how environmental permitting links to planning
- LLWR Ltd has commissioned NuLeAF to undertake work on the Duty to Cooperate
- NuLeAF is seeking funding to undertake work on assessing the socio-economic effect of disposal of VLLW around the sites currently accepting this form of waste
- We will continue to engage with NDA, LLWR, regulators and government
- NuLeAF has a forum on LinkedIn which delegates can use to facilitate communication with their colleagues
- We hope to produce an overview of the status of Waste Local Plans in England and any local authority that has not already sent in their data should do so at their earliest convenience.

Annex A:

RADIOACTIVE WASTE MANAGEMENT AND SPATIAL PLANNING

**Seminar, 12 March, 2013
Local Government House**



Agenda

- 10.30 Registration and coffee
- 11.00 Introduction
- 11.05 Dealing with radioactive waste issues in planning policy – local authority perspective (*Rob Murfin, National Chair of Waste Planning Advisory Group, Planning Officers Society and Head of Planning Services, Derbyshire County Council*)
- 11.30 Dealing with radioactive waste issues in planning policy – central government perspective (*Mark Plummer, Team Leader - Minerals and Waste Planning, Planning Infrastructure and Environment Division, DCLG*)
- 11.55 Panel discussion with the presenters and *Colin Mackie, Head of Radioactive Substances, DECC*
- 12.25 Duty to cooperate (*Mark Plummer, DCLG*)
- 12.40 Discussion
- 1.00 Lunch
- 1.45 Strategic delivery: the Low Level Waste programme – developments in the capacity gap analysis and future disposal options (*Dave Rossiter, Head of National Programme, LLWR Ltd*)
- 2.10 Discussion
- 2.35 Key Issues for NuLeAF to address (*Philip Matthews, Executive Co-Director, NuLeAF*)
- 2.50 Discussion
- 3.00 Finish

Annex B:

RADIOACTIVE WASTE AND SPATIAL PLANNING



Speakers and panel representatives

Rob Murfin, National Chair of Waste Planning, Planning Officers Society Advisory Group

Mark Plummer, Team Leader, Minerals and Waste Planning, Department of
Communities & Local Government

Colin Mackie, Head of Radioactive Substances, Department of Energy & Climate Change

Robert Way, Integrated Waste Manager, Nuclear Decommissioning Authority

Dave Rossiter, Head of National Programme Implementation, LLW Repository Ltd

Philip Matthews, Executive Co-Director, NuLeAF

Delegate List

Janet Laban, Planning Officer, City of London

John Groves, Head of Nuclear Energy & Planning, Copeland Borough Council

Steve Smith, Nuclear Projects, Copeland Borough Council

Richard Evans, Team Leader, Minerals & Waste Planning Policy, Cumbria County Council

Iain Fairlamb, Planning Services Manager, Cumbria County Council

Alexis Tregenza, Policy Advisor, Radioactive Substances, Department of Energy &
Climate Change

Sara Day, Senior Planning Officer, Dorset County Council

Emma Macdonald, Senior Planning Officer, Dorset County Council

Chris Lloyd, Nuclear Regulator, Environment Agency

David Nicholson, Team Leader PPC / RSR, Environment Agency

Hamish Barrell, Senior Planner, Essex County Council

Tom Britcliffe, Principal Planning Officer, Hartlepool Borough Council

Adrian Hurst, Principal Environmental Health Officer, Hartlepool Borough Council

E Gwyndaf Jones, Chief Planning Officer, Isle of Anglesey County Council

Rachel Cutler, Planning Officer, Kent County Council

John Prosser, Principal Planning Officer – Waste, Kent County Council

Dr Bahram Ghiasee, Senior Lecturer, School of Surveying & Planning, Kingston
University

Louise Nurser, Planning Policy Manager, Lancashire County Council

Cath Giel, Stakeholder Relations Manager, Low Level Waste Repository Limited

Phil Larter, Senior Planning Officer, Leicestershire County Council

Stephen Wilmott, Baseline Strategy, Waste Programme, Magnox Limited

Mark Hackett, Councillor, Manchester City Council

Mark Limbrick, Senior Planner, Defence, Ministry of Defence Infrastructure Organisation

Simon Tinling, Assistant Head, Approvals, Ministry of Defence Submarine Dismantling Project

Steven Halls, Monitoring & Controls Officer, Norfolk County Council

Archie Onslow, Chair, North London Waste Plan

Robin Wynne Williams, Senior Minerals & Waste Planning Officer, North Wales Minerals & Waste Planning Service

Mark Chant, Head of Planning, Northamptonshire County Council

Phil Watson, Development Control Manager, Northamptonshire County Council

Martin Robb National Programme Manager - Waste, Nuclear Decommissioning Authority

Trevor Brown, Principal Planning Officer, Oxfordshire County Council

Taufiq Islam, Development Control Officer, Oxfordshire County Council

David Loudon, Waste Strategy Manager, Sellafield Limited

Iwan Jones, Director of Corporate Services, Snowdonia National Park Authority

Aled Sturkey, Director of Planning and Cultural Heritage, Snowdonia National Park Authority

Guy Robinson, Interim Minerals & Waste Policy Manager, Somerset County Council

Lisa Price, Principal Planning Officer - Strategic Planning Policy, South Gloucestershire Council

Bob Chamberlain, Principal Planner (Major Projects), Suffolk Coastal District Council

Andrew Nunn, Councillor, Suffolk Coastal District Council

David Palk, Development Manager, Suffolk County Council

Deborah Sacks, Consultant, Suffolk County Council

Robert Williams, Head of Radioactivity Policy, Welsh Government

NuLeAF

Stewart Kemp, Executive Co-Director

Philip Matthews, Executive Co-Director

Catherine Draper, Administrator

Annex C:

INFORMATION SOURCES ON THE MANAGEMENT OF RADIOACTIVE WASTES



NuLeAF Seminar, 12 March 2013

This document is posted on the NuLeAF website (www.nuleaf.org.uk). To access the documents, just click on the hyperlinks below.

1 Government Policy

[Managing Radioactive Wastes Safely: A Framework for Implementing Geological Disposal](#), June 2008 - Government policy on the long-term management of higher activity wastes.

[Policy for the Long-Term Management of Solid Low Level Radioactive Wastes in the UK](#), March 2007 - Government policy on the management of Low Level Wastes.

[Meeting the Energy Challenge](#), 2008 - Government policy on new nuclear power stations

[National Policy Statement for Nuclear Power Generation \(EN-6\)](#) – the Government's policy framework for planning decisions on new nuclear power stations.

[Waste and decommissioning financing arrangements](#) - the Government's approach to financing arrangements for meeting the costs of waste management and decommissioning new nuclear power stations.

[Guidance for local planning authorities on implementing planning requirements of the EU Waste Framework Directive \(2008/98/EC\)](#), December 2012 – Government guidance which includes the expectation that WPAs will include policy on radioactive waste.

2 NDA Strategy

The NDA's over-arching strategy is set out in [Strategy – effective from April 2011](#).

[An overview of NDA Higher Activity Waste](#), published February 2012

[NDA Socio-Economic Policy](#), reviewed January 2012

[Public and Stakeholder Engagement & Communications Statement of Principles](#), published August 2010

NDA published a draft [Integrated Waste Management Strategy Development Programme](#) for comment in December 2011.

[UK strategy for managing LLW from the nuclear industry](#) was published by the NDA in August 2010

[A commentary on the strategy – from a local authority perspective](#)

3 Strategy Implementation

Documentation about the implementation of strategy for the management of LLW can be found on the website of [LLWR Ltd](#). It is anticipated that the LLWR website will shortly include new information about the programme to implement LLW strategy. In the meantime, the following documents are available:

[December 2009 Management Plan](#)

[Guidance on stakeholder engagement](#)

4 Regulation

[How the Environment Agency \(EA\) regulates the nuclear industry](#)

[Guidance on the regulation of disposal of LLW from the EA](#)

[Information on current applications for authorisations for disposal](#)

The EA's work on the [Generic Design Assessment of new nuclear power stations](#)

[An overview of the work of the Office for Nuclear Regulation \(ONR\)](#)

[Joint regulatory guidance on the management of higher activity wastes](#)

[The ONR's work on the Generic Design Assessment of new nuclear power stations](#)

[Guidance for developments requiring planning permission and environmental permits](#)

[Environmental sector plan for nuclear industry – Issue 3](#)

5 Minerals and Waste Development Frameworks (MWDFs)

NuLeAF has issued [interim advice on approaches to radioactive waste management in MWDFs](#). This will be updated following to incorporate the outcomes of the seminar.

Information about the way in which two Waste Planning Authorities addressed radioactive waste management is available from:

- a) [Cumbria](#)
- b) [Suffolk](#)

6 Development Control Case Studies

The NuLeAF website features a number of relevant [case studies](#) and [planning reports](#), and a [Briefing Paper on the King's Cliffe Inquiry](#).

7 West Cumbria Managing Radioactive Waste Safely Partnership

The [final report of the West Cumbria MRWS Partnership](#), published August 2012.

A full list of reports and other documentation can be found on the [Partnership's website](#).

8 Duty to Cooperate

The Planning Advisory Service has produced a [crib sheet](#) to help you ensure you are fulfilling your Duty to Cooperate.