

Meeting:	NuLeAF Steering Group, 25 January 2011
Agenda Item:	5
Subject:	NDA Strategy, Business Plan and Engagement Arrangements
Author:	Fred Barker
Purpose:	To propose a response to the NDA's draft Business Plan and to report on discussions about potential engagement arrangements

Introduction

This report covers:

- NuLeAF's comments on the NDA's draft Strategy;
- proposed comments on the NDA's draft Business Plan; and
- exploratory discussion about proposals for improving engagement between NDA, Site Licensee Companies, regulators and member local authorities on site restoration at NDA sites.

Recommendations

That the Steering Group:

- 1 approves the proposed response to the NDA's draft Business Plan; and
- 2 endorses the proposed approach for encouraging greater engagement between NDA, Site Licensee Companies, regulators and member local authorities on site restoration at NDA sites.

Contribution to Achieving Strategic Objectives

The activities described in this report relate to the following NuLeAF objectives:

- To encourage NDA to explain to stakeholders the implications of the outcome of the Comprehensive Spending Review for nuclear legacy management, and the basis for its resultant decisions about priorities for spending.
- To encourage development of (a) an appropriate framework for handling new developments and (b) centralised and multi-site approaches where they are supported by affected local authorities in light of the overall balance of benefits and disadvantages..
- To encourage member authorities with licensed nuclear sites to ensure that effective engagement arrangements with SLCs and NDA are in place, either through the Site Stakeholder Group or direct engagement.

1 Consultation on NDA Strategy

At its meeting on 20 October 2010, the Steering Group agreed the main themes for a response to consultation on the NDA's draft strategy and delegated authority to the Chair and Vice Chair to approve final comments. The comments were submitted on 17 November and are available on the NuLeAF website at [Response to NDA Strategy Consultation](#).

The response included four over-arching comments:

- the need for improved local engagement with local authorities about site restoration at NDA sites;
- the need to make effective use of NuLeAF as an existing engagement mechanism at a national level;
- the need to promote sound decision-making principles for handling new developments; and
- the need for NDA to develop a 'national plan' which sets out how strategy will be implemented.

Issues around engagement are considered further in section 3 below.

On the need to promote sound decision-making principles for handling new developments, the response stated that:

Given the potentially controversial nature of a number of 'strategic opportunities' that NDA raised in pre-consultation engagement leading up to publication of the draft strategy, NuLeAF highlighted the need for NDA to give careful consideration as to how certain elements of proposed strategy might be implemented.

We were pleased, therefore, to see that a draft 'Framework for Handling New Developments' was discussed at break-out sessions at the last meeting of the National Stakeholder Group and subsequently made a number of comments to assist in its development.

We note with some disappointment, however, that NDA does not intend to promulgate such a framework as a definitive statement. This may prove to be a missed opportunity to promote sound decision-making principles to SLCs and the supply chain, particularly regarding the need for early and meaningful engagement with local authorities, which is a need highlighted throughout this response.

We would be grateful if you could clarify the intended status of the framework, and give consideration to alternative ways of promoting sound decision-making principles, for example, through inclusion in the pre-ambule to the strategy, or in the 'national plan' proposed below.

On development of a 'national plan', the response stated that:

We think that there would be great advantage in developing a national, estate-wide, decade by decade plan to show how strategy will be implemented. Such a plan should provide a clear, readily understandable 'road map', showing major milestones, infrastructure needs and end dates for site restoration. In addition to providing the basis for clear guidance to SLCs, a national plan of this nature could help generate greater understanding and confidence amongst key stakeholders about how progress in nuclear decommissioning and clean-up is to be made and over what timescales.

The NDA intends to seek Government approval for a final version of the strategy in February and will publish the outcome by the end of March.

2 Consultation on the Draft Business Plan 2011-2014

The draft Business Plan was published on 1 December with a deadline for comments of 26 January. Copies are available on the NDA website at [NDA publishes draft Business Plan for consultation](#).

The draft Business Plan sets out the NDA's key objectives and the progress it expects to be made across its sites over the next three years, in line with its recent funding settlement. The importance of nuclear legacy management was recognised in the CSR which saw an increase in direct grant provided by the Government. Together with NDA's commercial income, this will allow an average expenditure of close to £3 billion per year over the next four years.

The Executive Director met with NDA officials on 9 December to receive a briefing on the draft Business Plan. This helped inform the preparation of comments at Annex A.

The comments include requests for further clarification of how:

- the Public Value Programme and Spending Review outcomes have been translated into the proposals in the draft Business Plan; and
- the new strategy, once adopted in spring 2011, will begin to influence the business planning process and when we might expect to start to see its impact reflected in subsequent business plans.

The Steering Group is asked to approve the proposed response as set out in Annex A.

3 Exploratory Discussion about Proposals for Improving Engagement

Following preliminary discussion at the October Steering Group and the December meeting of the Radioactive Waste Planning Group, and feedback from the NDA, the draft paper attached as Annex B sets out initial thinking on the possibility of some form of 'strategic level' meetings between NDA, SLCs the EA and local authorities on an appropriate geographic basis across a number of NDA sites.

The paper outlines suggestions for objectives, geographic scope, participants, agenda, format, timetable and next steps.

Subject to the views of the Steering Group, it is suggested that initial meetings in the East/South East and West/South West take place in the second half of June, following formal adoption of NDA Strategy and the 2011-2014 Business Plan, and the local elections.

If the Steering Group endorses the proposed approach it is proposed to send the note to lead officer contacts in those local authorities with NDA sites that would be invited to initial meetings to seek feedback and agreement in principle.

Annex A: Proposed Response to NDA's Draft Business Plan

Dear NDA,

I write on behalf of NuLeAF - the Nuclear Legacy Advisory Forum of the Local Government Association - to submit comments on the NDA's draft Business Plan.

Our comments are as follows:

Foreword and statement about 'Our Funding'

We welcome the positive outcome that has been secured from the Government's spending review (SR) and the high-level explanation in the CEO's Foreword and the statement about 'our funding'.

We think that there would be value in providing further clarification of how the PVP and SR outcomes have been translated into the proposals in the draft Business Plan. We understand that the planned expenditure for 2011-12 is firm but further analysis is needed to confirm or amend planned key activities in 2012-14. The CEO's Foreword refers to this need and points to the likely deferral of some scope of work, but there is no clear explanation in the draft plan of what the further analysis will entail and what deferral of scope might include.

'Our Approach to Strategy and Delivery'

We welcome the way the draft business plan is structured to reflect strategic themes, but would welcome clarification of how the new strategy, once adopted in spring 2011, will begin to influence the business planning process and when we might expect to start to see its impact reflected in subsequent business plans.

'Magnox Programme'

It is helpful to see a high level explanation of the new 'optimised' approach to the Magnox programme. However, we think it would be helpful to provide further explanation, or references to publicly available information, for:

- the reasons for choosing Bradwell and Trawsfynydd as the lead sites for accelerated decommissioning; and
- how the Magnox programme "now adopts a consistent programme approach to decommissioning including, consistent solutions, mobile specialist teams, consolidated supply chain solutions and optimal sequencing .." (p20).

Unlike the earlier sub-section on Sellafield Ltd, we note that the Magnox programme sub-section does not include a high level overview of '2011-12 key activities'. Perhaps that should be included for consistency?

Hunterston A

We note that key activities include the graphite disposal feasibility study. We would welcome discussion with NDA on any implications for the wider estate and the MRWS programme once the findings of the study are known.

Research Sites Restoration Ltd

We note that planned activities for 2011-14 include:

- developing a plan for the transfer of ILW away from the Winfrith and Harwell sites; and

- development of plans for disposal of VLLW.

The first activity illustrates a reason for asking how the new strategy, once adopted in spring 2011, will begin to influence the business planning process? More specifically, we would welcome clarification of when and how we might expect to see complementary activities at other sites relating to the development of plans for the receipt of ILW from Winfrith and Harwell.

As stated in our comments on the draft Strategy, we consider it appropriate to consolidate interim storage at a reduced number of sites, as long as this is supported by the relevant local authorities in the light of the overall balance of benefits and disadvantages. It will therefore be necessary to engage with the relevant local authorities before reaching site specific decisions about consolidation. The relevant authorities will wish to consider a range of factors, including whether planning permission is required, consistency with Local Development Frameworks, and local socio-economic impacts.

On the second activity – development of plans for disposal of VLLW – we would expect to see this activity listed in the planned activities for most other sites, but note that currently it is not. We assume that this is an oversight, as such plans will need to be developed at various sites (and this should be done in liaison with the relevant local authorities).

Planned Income and Expenditure Summary 2011-12

We welcome publication of the table, but would find it helpful if footnotes were included to explain the reasons where expenditure at specific sites for 2011-12 will be significantly different to expenditure in 2010-11.

Yours faithfully,

ANNEX B: PROPOSALS FOR ENHANCING ENGAGEMENT BETWEEN NDA, SITE LICENSE COMPANIES (SLC), REGULATORS AND LOCAL AUTHORITIES

Fred Barker, 12 January 2011, draft version 4

Background

As highlighted in NuLeAF comments (click on [Response to Draft Strategy](#)), the NDA's draft Strategy raises a range of issues that will require direct engagement between NDA, SLCs, regulators and local authorities with NDA sites. The draft NDA Business Plan 2011-14 also raises issues for discussion with the relevant local authorities, particularly regarding the new 'optimised approach' to Magnox sites.

Dependent upon the site in question, these issues could include:

- the need to explain the overall '**direction of travel**' that will be established by the Business Plan and the Strategy;
- the process for defining **interim states** en route to achieving site restoration;
- the potential for on-site treatment, storage or disposal facilities to have a **multi-site or national role** (and whether this is within the scope of current planning permissions and consistent with local development plans);
- the potential for the use of **off-site facilities** for the treatment, storage or disposal of radioactive wastes (at other nuclear sites, or other waste management facilities within or outside the area), and the implications for the transport of radioactive materials from the site;
- the potential for local authority **participation in assessments** to identify preferred options for interim states, waste management and disposal, facility decommissioning, and management of contaminated land;
- the processes for reviewing and amending site **Lifetime Plans (LTPs)** and **Integrated Waste Strategies**;
- (where applicable) the relationship between restoration at NDA sites and the development of new nuclear power stations at neighbouring sites (**interactions with new build**); and
- the potential need to establish a **regular forum** with relevant local authorities to discuss and review the above issues.

NuLeAF's response to the draft Strategy questions "whether current local engagement arrangements, which place great reliance on the role of Site Stakeholder Groups (SSGs), will enable sufficiently timely, detailed and sustained engagement with the relevant local authorities on these issues. This engagement is particularly important given the community leadership, spatial planning and development control roles of the relevant local authorities." As a result, the response requests discussion with the NDA about potential respective roles in encouraging and enabling improved engagement with local authorities at NDA sites.

Preliminary soundings have been taken about a potential way forward for enhancing engagement with the relevant local authorities. This feedback includes:

- Officers from NuLeAF's Radioactive Waste Planning Group confirm that the SSGs do not provide an adequate engagement mechanism from their point of view. They are supportive of the suggestion that NuLeAF convenes some form of 'strategic level' meetings between NDA, SLCs, the EA and LAs on an appropriate geographic basis across a number of sites.

- The EA has indicated that it would welcome clarification of the objectives and format for such meetings, and would positively consider a formal request to participate.
- The NDA's Head of Stakeholder Relations has indicated that such meetings could have potential to meet the needs of the NDA with regard to future engagement with local authorities on key issues emerging from its proposed strategy.

In the light of this feedback, this note outlines the potential objectives, geographic scope and participants, agenda and format, timetable and next steps for the suggested meetings.

Objectives

The proposed meetings should be viewed as complementary and supplementary to SSGs, with a specific set of proposed objectives as follows:

1. To brief local authorities with NDA sites on key issues and potential developments relating to restoration, radioactive waste management, decommissioning and clean-up at the sites in their areas.
2. To identify the implications of these issues and potential developments for development control, waste planning (Minerals and Waste Development Frameworks) and socio-economic strategies.
3. To ensure that the NDA, SLCs and EA are aware of the views and policies of the local authorities relevant to the development of site plans and programmes for site restoration, radioactive waste management, decommissioning and clean-up.
4. To ensure that representatives of the relevant local authorities have opportunity to be appropriately involved in the development of site plans and programmes including, where appropriate, participation in assessments to identify preferred options.

Geographic Scope and Participants

The table in the annex provides a list of NDA sites in England and Wales, along with relevant SLCs and local authorities. The local authorities listed are those which either contain the site in question, or which are close neighbours. It should be noted that for some sites local authority membership of SSGs is slightly wider, involving additional neighbouring local authorities. Soundings could be taken from the local authorities on the list about whether to also invite these neighbouring authorities or any other local authorities in the area.

In order to proceed in a manageable and effective way, it is suggested that initially meetings be convened for two geographic areas:

East/SE:	Bradwell, Dungeness and Sizewell (Magnox Ltd)
West/SW:	Berkeley, Hinkley Point, Oldbury, Trawsfynydd, Wylfa, Harwell and Winfrith (Magnox Ltd and Research Sites Restoration Ltd)

It is understood that separate discussions are already taking place to ensure that Cumbrian local authorities are appropriately engaged on issues and developments relating to the Sellafield and LLWR sites.

It is envisaged that participants in the initial meetings will come from NDA, the relevant SLCs, the EA, and the relevant local authorities. In terms of participants from local authorities it is suggested that senior policy, planning or economic development officers be

invited from each relevant local authority (with an expectation of attendance by 1-3 officers per authority).

Agenda and Format

It is proposed that the agenda for initial meetings be agreed in liaison with NDA, the appropriate SLCs, EA and participant local authorities. As a starting point for discussion, it is suggested that the main items for the agenda be as listed in the bullets on the first page of this note. Additional items towards the end of the agenda could include review and adoption of objectives and invitation list, and next steps (including frequency of any future meetings).

It is further suggested that the meetings:

- be convened by NuLeAF and chaired by the NuLeAF Executive Director
- take place from 11.00 – 3.00
- potentially take place twice a year
- be hosted by a participant local authority or take place in LG House in London
- consist of presentations by NDA, SLCs or the local authorities as appropriate, followed by detailed round-table discussion and identification of appropriate actions
- that a high level note of each meeting be agreed and published (for example on the NuLeAF website), with an indication of main areas of discussion and agreed actions

Timetable and Next Steps

It is suggested that the initial meetings take place in the second half of June 2011, following formal adoption of NDA Strategy and the 2011-2014 Business Plan, and the local elections.

The following next steps are proposed:

- By the end of January, send revised note to lead officer contacts in local authorities with NDA sites to seek feedback on objectives, geographic scope and participation, level of interest, agenda and format, and timetable;
- By mid March, agree dates, book venues, and circulate initial invitations
- By mid April, agree agendas and circulate

SLC	SITE	LOCAL AUTHORITIES	NuLeAF MEMBER
Sellafield Ltd	Capenhurst	Chester West & Chester Council	Yes
	Sellafield and Calder Hall	Copeland Borough Council	Yes
		Allerdale Borough Council	Yes
		Cumbria County Council	Yes
LLWR Ltd	LLWR	Copeland Borough Council	Yes
		Allerdale Borough Council	Yes
		Cumbria County Council	Yes
Springfields Fuel Ltd	Springfields	Preston City Council	Yes
		Fylde Borough Council	Yes
		Lancashire County Council	Yes
Magnox Ltd	Berkeley	Stroud District Council	Yes
		Forest of Dean District Council	Yes
		Gloucestershire County Council	No
	Bradwell	Maldon District Council	Yes
		Essex County Council	Yes
	Dungeness	Shepway District Council	Yes
		Kent County Council	Yes
	Hinkley Point	Sedgemoor District Council	Yes
		West Somerset Council	Yes
		Somerset County Council	Yes
	Oldbury	South Gloucestershire Council	Yes
		Gloucestershire County Council	No
	Sizewell	Suffolk Coastal District Council	Yes
		Suffolk County Council	Yes
	Trawsfynydd	Snowdonia National Park	Yes
		Gwynedd Council	Yes
Wylfa	Isle of Anglesey County Council	Yes	
Research Sites Restoration Ltd	Harwell	Vale of White Horse District Council	Yes
		Oxfordshire County Council	Yes
	Winfrith	Purbeck District Council	Yes
		Dorset County Council	Yes

The yellow highlights suggest sites and local authorities for initial meetings