

By email to: businessplanning@nda.gov.uk

Date: 6th February 2020

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Dear Sir or Madam,

Draft NDA Business Plan 2020-23 consultation response

1. Introduction

NuLeAF (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on legacy wastes and decommissioning. NuLeAF is directly supported by over 100 local authorities and national park authorities across England and Wales and speaks for the wider local government community. We have a remit encompassing 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 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.

Engagement with local government is critical to the success of the NDA mission:

- Local planning authorities fulfil a regulatory function. Through NuLeAF our members have been able to provide expert advice on land use planning in relation to decommissioning and the management of NDA sites.
- Local authorities have a clear and significant role in the Geological Disposal Facility (GDF) siting process. Without their support the NDA and RWM will not be able to deliver this critically important facility.
- Our member councils are the democratic voice of nuclear communities and important stakeholders for NDA as required under the 2004 Energy Act.

- Local authorities bring a range of other expertise in relation to economic development, planning, transportation, education and skills. Over the last year we have been active in engaging with NDA around Strategy 4, Magnox Accelerated Decommissioning, Proportionate Regulatory Controls (PRC) and the Socio-economic Strategy; and will be important partners for the delivery of all this work.

NuLeAF is funded by NDA, RWM and our member authorities. Our comments on the draft NDA Business Plan 2020-23 consultation are set out below.

2. General Comments

We recognise that the Business Plan is a high-level document, albeit with some site-specific actions. We have therefore focussed our comments on the strategic operation of the NDA and the implications this may have for legacy sites and communities around the UK. Where necessary site-specific issues are also raised.

We note that this Business Plan has been developed at a time of change, with moves to embed the 'OneNDA' ethos; the establishment of Magnox as an NDA subsidiary; and the completion of defueling at Wylfa and Calder Hall. Looking forward, the Magnox Reprocessing Plant is due to close this year, transitioning Sellafield to a site focussed on decommissioning and the NDA to a body concerned solely with waste management and environmental remediation. It is also expected that the first communities will enter the GDF siting process.

Information on Key Activities is provided on page 37 of the Plan, with some wider contextual information provided in the introductory sections. However, there would be a benefit to stakeholders of these activities being placed more clearly within the wider context in terms of current and future developments in the nuclear sector and Government policy more generally. A brief 'Horizon Scan' would therefore be welcome, looking holistically across the fleet and explaining the current and proposed situation with regard to:

- Magnox Accelerated Decommissioning
- Proportionate Regulatory Controls
- Potential for the use of In-Situ Disposal
- The possibility of Near Surface Disposal for some of the Higher Activity Waste (HAW) inventory

Local authorities use the NDA Business Plan to inform forward planning. Across the Plan there is a lack of clear deadlines or timeframes for the completion of many of the activities and actions, making it difficult for councils to understand how Magnox proposals for sites fit with local plan revisions or other proposals for the locality. Greater information on timescales would therefore be welcome.

The need to fully explore the potential for beneficial and perhaps income generating interim uses on sites does not seem to feature in the Business Plan. There may be unused land, or land that is unused during the Care and Maintenance phase which could benefit the local community, the environment and NDA budgets. We would therefore like to see a commitment under Key Activities (page 37), that the NDA will *'Work with local authorities to investigate the potential for beneficial interim use of land during C&M'*.

There is very little on what the NDA is doing to improve its support for staff and host communities. A Local Economic and Social Impact Strategy is in development and there is a range of work being taken forward on other issues such as skills and workforce diversity. A fuller explanation of this would be helpful, as would some acknowledgement of the need for NDA to contribute to other government objectives such a net zero carbon economy.

The intended benefits of One NDA and the organisational vision are noted on pages 15 and 16. However there is no explanation of how performance against these objectives will be measured and reported on.

3. Critical enablers

NDA will spend around £3.3 Bn of largely public money per annum over the period covered by the Business Plan, and NDA programmes should always maximise the wider benefits and minimise impacts to communities and the environment. We therefore welcome the identification of **Socio-economics, Skills and Health, Safety, Environment and Wellbeing** as three of the areas of focus for the NDA mission (pages 26-27).

That said, the statements provided for each critical enabler are high level and aspirational with little detail on how exactly progress can be assessed. Further information on critical enablers is set out on page 28 and also on pages 35 to 64, but nothing additional is provided on Public and Stakeholder Engagement.

As the NDA mission progresses, engagement with local authorities is becoming ever more important, for example in relation to proposals for Proportionate Regulatory Controls (PRC), Magnox Accelerated Decommissioning and the GDF siting process. Local government planning and economic development policy and functions, along with the views of local people as reflected by their elected representatives, will be critical to the development of proposals for site restoration and the move to interim or next planned use. The Business Plan should more clearly recognise the value of engagement with local government to the NDA mission.

4. Funding

The breakdown of expenditure by businesses and subsidiaries is welcome but we would like to see a more detailed itemisation of non-site expenditure, with separate

figures for socio-economics, skills, R&D and knowledge management. We have made this request in a number of previous Business Plan consultations and are disappointed that this issue has not been addressed. If the Business Plan is not an appropriate place for that level of detail, then we would ask that NDA provides these figures to NuLeAF and other interested stakeholders.

What is very welcome is that the total provision for these areas of work has been increased to £43 million in 2020/21 compared to £31 million in 2019/20. Following years of real terms and actual reductions in such spending, this represents a major improvement. The challenge now is that the maximum added value is delivered to communities from this enhanced expenditure, as part of a joined-up approach guided by the Local Economic and Social Impact Strategy. The **Public Accounts Committee (PAC)** concluded in October 2018 that *'We are not convinced that the NDA is achieving the wider economic benefits that would help justify the vast amounts of public investment'*¹, and we very much hope that a step change in performance on socio-economics is delivered.

Looking forward we hope that, as we approach the next spending review, the Government is able to maintain the resources available for the NDA's mission. In particular, any future government settlement must take account of the continued decline in income from reprocessing, something that is highlighted in the financial figures presented in the Business Plan. It must also recognise its responsibilities to host communities and future generations. The nuclear legacy must be dealt with in an efficient and timely manner, so that safety is assured and beneficial future uses are brought forward where possible.

5. Comments on NDA Businesses and sites

Sellafield Ltd More information on the plans for supporting the Industrial Strategy and Small and Medium Enterprises (SMEs), and on the Sellafield Transformation programme would be welcome. These are important mechanisms through which the extraction of economic value from Sellafield for the community and taxpayer will occur. It is incumbent upon the NDA to work with local authorities and other stakeholders to ensure that Sellafield, through the Transformation programme, can achieve the site's mission more effectively and at lower cost, while creating a resilient local economy.

In terms of critical enablers, there is particular scope for taking forward the Nuclear Sector Deal in West Cumbria, building on the decommissioning expertise in and around Sellafield. Local government can play an important role in supporting this given their expertise in economic development and planning and involvement in the Local Enterprise Partnership (LEP).

¹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/1375/137505.htm>

Magnox Ltd We note the reference in the Business Plan to the development of a continuous reactor dismantling strategy. The involvement of local authorities and communities in the development of this strategy will be crucial, given their role in planning and economic development for host communities and areas. There is a need for certainty about future plans and timescales, enabling host communities and councils to consider the implications of this in their own forward and spatial plans. We would request that these are provided as soon as possible.

Our members have also noted that the Draft Business Plan gives less clarity as to the key milestones for some sites.

For example, the 2019-22 Plan notes when sites will enter Care and Maintenance (C&M) while the current draft provides no dates. We appreciate that this may be due to evolving plans for sites, but where information provided in the previous plan has been omitted this time the reasons should be explained.

There are also examples of where the timetable for site specific work programmes appears to have altered or omitted, but again no reason is provided. For example:

- With reference to Oldbury, the 2019-22 Plan stated '*ILW retrieval enabling works complete*' by 2022 whereas the current draft says merely that Magnox will '*Continue ILW retrieval enabling works*' over the period 2020 – 2023. This lack of continuity in the text from Plan to Plan, without any explanatory information, leads to uncertainty for host communities.
- There appears to be no reference in the Business Plan to pipeline decommissioning at Winfrith. As we understand it, Magnox are still to make a decision regarding the discharge pipeline (leave in situ/remove) but this is now a separate project, detached from the main decommissioning programme for the site. As it is a separate project, we suggest that consideration should be given to referring specifically to the pipeline within the Plan.
- The section on Winfrith makes no reference to the possible intention to dispose of radioactive waste on site, and no proposed dates to achieve either remediation or de-designation of the whole site. We suggest that the Plan should include some statement, including dates, especially given that the decommissioning of Winfrith is intended to be a 'lead and learn' project, running ahead of the other sites.

We also note the commitment to '*Support NDA in property activity to reduce NDA decommissioning liability*'. The way in which this objective is delivered could lead to positive or negative impacts on host communities and they must be involved in discussions about proposals for individual sites.

As noted earlier, we suggest that the Business Plan should include a requirement to examine whether there are beneficial interim uses on parts of NDA sites during a

C&M phase. These could not only provide income to the NDA, but also potentially provide job and business opportunities for local people and businesses, while at the same time protecting the long-term needs for land for reactor decommissioning.

LLWR Ltd We welcome the early demolition of the bunkers containing Plutonium Contaminated Material (PCM). This has been a real success story.

In line with the Radioactive Waste Strategy, there may be further changes to the material managed at the LLWR and disposed of via other routes. Some of these changes may cause concern to the communities around the LLWR and other host sites. All such decisions must therefore be based on proper discussion as to what is acceptable and driven by a clear community and environmental benefit.

Radioactive Waste Management (RWM) Ltd NuLeAF has been working closely with RWM to build awareness of the GDF siting process and advise them on the best means of engaging with local authorities, as well as promoting awareness and opportunities for engagement to NuLeAF members. Looking forward, we will provide support to any local authority interested in entering the siting process and advise RWM on local government concerns.

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
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