

**DECC response to NORM letter consultation**

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**Summary and Recommendation:**

That Members note the response received from DECC in response to the Councils letter regarding NORM management.

**1. Background**

The Council responded to the consultation on the Management of Naturally Occurring Radioactive Materials (NORM) which was run jointly by the UK Government and the Scottish Government (see appendix one).

At the SNEB meeting on the 16<sup>th</sup> April 2014 it was suggested that the letter should also be highlighted with the Department of Energy and Climate Change (DECC) and the Environment Agency.

The Council received a response from Edward Davey in DECC on the 30<sup>th</sup> June, see attached Appendix one.

**Appendix One: NORM Consultation response**

**Appendix Two: DECC response.**



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The Rt. Hon Mr Davey  
Secretary of State for Energy and  
Climate Change  
3 Whitehall Place  
London  
SW1A 2AW

Dear Mr Davey

Date: 25<sup>th</sup> April 2014

**Strategy for the Management of Naturally Occurring Radioactive Material (NORM) waste in the United Kingdom.**

I write with the mandate of the Council's Strategic Nuclear and Energy Board, following consideration of the consultation for the strategy for the management of NORM waste by the Scottish Government. Members of the Council are concerned about the apparent disjointed policy and strategy development regarding radioactive waste management between the different departments as highlighted below. It was therefore considered pertinent to forward a copy of our concerns to all relevant departments.

Copeland Borough Council is host to the only UK facility for the management of Low Level Waste and as such has a keen interest in the management of future waste arising's. Our priority in reviewing the proposed strategy is to ensure that the level of expected NORM waste arising's has, as far as reasonably practicable, been adequately predicted and that sufficient waste streams are planned to manage the estimated NORM waste. We also advocate that the waste hierarchy is implemented and that rigorous regulatory processes are in place to ensure that as much waste as possible is pushed up the hierarchy.

**Regulatory Arrangements:**

Chapter 2 of the consultation discusses the existing arrangements in the UK Planning System and the requirement for Planning Authorities to plan for LLW in their forward plans. However, the Council is concerned that many Authorities may not adequately plan for LLW arising either through the lack of awareness or through the assumption that it is acceptable to manage this requirement by stating all waste will go to existing facilities. The Council seeks clarity on how the regulators will control local plans to insure that they have sufficient policy to cover the arrangement for the management of LLW generated in their authority. Furthermore there is a requirement on such Local Authorities under the duty to co-operate to consult with other Planning Authorities. All forward plans which assume to divert waste to existing facilities (such as Lillyhall or the LLW Repository) will have to consult with these Planning Authorities (e.g. Cumbria County Council and Copeland Borough Council) it is our experience that this is occurring in an ad hoc manner and could be better managed to insure that all authorities fully comply with their duty to consult.

Section 2.41 states that planning authorities should actively consider what scale of NORM waste they need to plan for, including potential movements from other areas. This is of particular importance to Copeland and Cumbria County Council as the area hosts the only LLW Repository and has a licenced site for Low Activity Low Level Waste, therefore it can be assumed will receive a proportion of NORM waste from other Authorities. However, until the Council is consulted on the plans by other authorities it is difficult to predict the expected levels and to plan for them.

Copeland Borough Council has responded to DEFRA consultation on the Waste Management Plan for England expressing our disappointment around the lack of clarity and policy surrounding the issue of LALLW which is not currently covered under planning policy leaving a policy gap which makes it difficult for forward planners when preparing for LALLW.

### **NORM waste arising's**

Within Chapter 3 of the consultation it states that it is "very difficult to predict quantities and characteristics of NORM wastes that will arise from decommissioning offshore and onshore installations, due to the limited number of oil and gas installations that have been decommissioned to date." It appears that the baseline information on which the strategy is set is not yet fully understood. In order to determine the amount of NORM that will be generated it is suggested that further research is required with particular reference to the decommissioning of the oil and gas industry in order to generate a more accurate picture of the potential arising's. Clarity is also needed regarding regulations specifying if they will be permitted to re-injected NORM while at sea and backfill wells or if all materials will now have to be managed on land.

There is also a lot of uncertainty surrounding the Shale Gas industry. The strategy states that as the industry has not yet materialised, there has been no decision about how it will dispose of wastes. Again this does not appear to give an accurate picture of future arising's, the Council would suggest that further research been undertaken into the estimated levels of NORM produced. With particular reference to how operators will manage wastewater considering the lack of permitted wastewater treatment facilities.

### **Conclusions**

In summary the proposed consultation appears to be based on a weak evidence base and further research should be undertaken into the predicted levels of NORM waste arising's from the decommissioning of Oil and Gas and the development of Fracking before it can be asserted that there is adequate existing capacity to manage the level of predicated NORM wastes.

The Council would welcome direction in the strategy, and co-ordination through emerging policies in all departments, to ensure greatest possible waste minimisation and minimal requirement for disposal is achieved from emerging industries such as fracking and from the emerging decommissioning of off shore oil and gas rigs and regulations are in forced on existing operators, to impose the principles established with other waste streams to adhere to a logical waste hierarchy.

The Council hopes that the above comments will be taken into consideration when reviewing the strategy for the management of NORM. Furthermore the Council would urge the department to improve the linkage of strategy and policy development between all departments to allow a holistic strategic planning approach to the management of NORM and radioactive waste streams.

Yours Sincerely

Councillor Elaine Woodburn  
Leader of Copeland Borough Council



**Department  
of Energy &  
Climate Change**

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COPELAND BOROUGH COUNCIL  
30 JUN 2014  
JG PG

**The Rt Hon Edward Davey MP  
Secretary of State**

**Department of Energy & Climate Change  
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[www.gov.uk/decc](http://www.gov.uk/decc)

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21 June 2014

New Councillor Woodburn,

Thank you for your letter dated 6 May, about the Strategy for the Management of Naturally Occurring Radioactive Material (NORM) waste in the UK. I apologise for the delay in my response.

I welcome the issues raised in your letter given that it recognises and re-iterates the very need for a UK NORM waste strategy. I take the substance of your query relating more generally to the need for better understanding of future wastes arisings and the desire for better co-ordination ('co-operation') between local authorities – an ambition I certainly support and which I think the draft Strategy recognises and is seeking to improve.

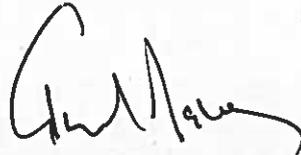
Your letter raises valid issues which are themselves highlighted within the draft Strategy and which I hope the final Strategy will enable some progress to be made in improving the understanding and co-ordination of NORM waste management in the UK. As we think about the delivery of improvements in the information on future arisings and oversight of improvements in NORM waste management I certainly think it will be vital to have the participation of DCLG and other relevant departments (e.g. Defra) in helping secure these improvements.

Plans to improve the understanding of future waste arisings are based currently on the voluntary efforts of the industries concerned rather than on any regulatory requirement. This approach is the same as that adopted for nuclear low-level waste (LLW) and anthropogenic non-nuclear radioactive waste. The difference in the case of nuclear LLW is that a government organisation (NDA) has been given responsibility to manage the UK strategy and develop plans, and through their own contractual arrangements have been able to secure information on future arisings from the sites for which it has direct responsibility (legacy civil nuclear sites). Whilst this addresses the bulk of future arisings it still means that there is uncertainty in other areas where the same contractual lever cannot be used to secure such information. This uncertainty is lessened however through the collection of data in support of the UK Radioactive Waste inventory, work which is co-ordinated on behalf of Government.

The draft Strategy does query whether some of these mechanisms should be used to consider future arisings of NORM waste and further work is needed to identify what mechanisms are best used to collect and present NORM data in future. We are also anticipating in the near future a revised national planning policy and associated guidance. It will make clear that local authorities will need to include all waste in their waste plans, including radioactive waste. This will also make forecasting future arisings easier.

I understand the point you make concerning local authorities compliance with the statutory duty to co-operate. Planning guidance that went live in March 2014 to support the National Planning Policy Framework in England gives useful guidance on the expectations of how the duty should work in practice. It is for local authorities to satisfy themselves about whether they have complied with the duty, and demonstrate how they have done so to plan for strategic cross-boundary issues, like waste, when their Local Plans are submitted for examination. The guidance makes clear how local authorities will need to submit comprehensive evidence of the efforts made to cooperate and outcomes achieved, which will then be tested at examination. We expect co-operation to produce effective and deliverable policies on strategic cross boundary matters, and it will be for the Local Plan Inspector to consider the extent to which this has been achieved in considering whether the Duty has been met and then whether the Plan is found to be sound.

Yours,



**EDWARD DAVEY** —