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Item 6

NUCLEAR DECOMMISSIONING AUTHORITY STRATEGY 2

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WHAT BENEFITS WILL THESE PROPOSALS BRING TO COPELAND RESIDENTS

Influencing the Nuclear Decommissioning Authority's Strategy is important to the future of Copeland residents as the nuclear industry is a major source of employment and is and has a large impact on the environment and risk and hazard.

WHY HAS THIS REPORT COME TO THE NUCLEAR WORKING GROUP?

To provide information that will help members formulate their response to the second NDA Strategy.

RECOMMENDATION:

The Working Group note the information contained in the report.

1. INTRODUCTION

1.1 The Nuclear Decommissioning Authority (NDA) is consulting on its second 5 year strategy that will take effect on 1 April 2011. The strategy will set NDA's overall priorities across its estate including the Sellafield site and the Low Level Waste Repository. Agreed priorities will shape the NDA's Annual Business Plans that allocate funding for decommissioning, waste management, asset management and commercial activities. Levels of year on year funding will be determined by a) the Comprehensive Spending Review to be published in October, and b) future opportunities to raise revenue.

1.2 This report summarises the key policy areas, the consultation questions and potential responses to consider when developing a full response

subsequent to the workshop being held on 26th October. To assist members the Councils most recently agreed full set of policies is attached as an appendix. It should be noted, though that the Council made relevant interim decisions that effectively add to this document. There is a need for these policies to be reviewed and updated in the light of these decisions.

1.3 The Energy Act 2004 requires the NDA to revise its strategy every 5 years. The NDA's first strategy covered the period 1 April 2006 to 31 March 2011. The draft strategy now being consulted upon will cover the 5 year period from 1 April 2011.

1.4 The Strategy will set the direction of travel for the NDA and is important to Cumbria as it determines priorities for decommissioning work, the management of different radioactive waste streams, and nuclear materials at the Sellafield site. Funding will follow priorities though clarity about levels of funding will not be known until Government publishes its Comprehensive Spending Review (and NDA allocated funding through its 2011 Business Plan).

1.5 The NDA reports that their first Strategy delivered significant benefits:

- It brought a coherent approach to decommissioning and clean up work at 19 major nuclear sites across the UK. The decommissioning and site restoration task has now been largely defined enabling the development of long term costed plans. The current NDA nuclear liabilities discounted future cost estimate is £44.5 billion. Sellafield accounts for £29 billion of this sum. LLWR accounts for £0.5 billion.

- The model of Site Licence Companies owned by private management consortia (Parent Bodies) was established for the NDA estate. In Cumbria competitions for the ownership of the Sellafield site and the Low Level Radioactive Waste Repository at Drigg were completed.

- NDA established itself as the key strategic adviser to Government producing credible options for the management of the UK plutonium stockpile. It published its Low Level Waste Strategy at the end of last August, and at Government direction became the organisation responsible for delivering a Geological Disposal Facility for higher activity wastes. The Government's Managing Radioactive Waste Safely programme is currently being progressed in West Cumbria.

- Surplus land was disposed of securing £450 million revenue towards the future cost of nuclear liabilities. This land disposal included the site now being considered for new nuclear reactor build to the north of the Sellafield site.

1.6. However, the NDA recognise that significant challenges remain, particularly at the Sellafield site. Conditioning and packaging of wastes recovered from the legacy storage ponds and silos on the Sellafield site is NDA's top decommissioning priority but continues to prove extremely challenging. Clean up has not kept pace with HSE and Environment Agency expectations. Sellafield Ltd, NDA and the Regulators continue to work on a remediation plan. The end dates for both the Magnox reprocessing plant and the Thermal Oxide Reprocessing Plant (THORP) have stretched over the last 5 years with Magnox plant closure now expected in 2016 and THORP around 2020. Contingency waste storage plans are being developed should either plant suffer acute failure before completing their respective reprocessing campaigns.

1.7. In the next 5 year period NDA identifies six 'strategic themes' to be progressed in pursuit of the overall driving mission – to restore and return 19 nuclear sites across the UK to their next planned use by safely, securely and cost effectively decommissioning plant and disposing of wastes.

THEMES

THEME 1: SITE RESTORATION

2.1 The proposed strategy for **site restoration** includes:

- On a site by site basis, reducing risks to people and the environment, while restoring each site as soon as reasonably practicable to a condition suitable for its next planned use.

- Taking urgent action to reduce 'intolerable' risks associated with unconditioned wastes in the legacy ponds and silos at the Sellafield site.

- Consideration of full lifecycle impacts on people and environment to avoid compromising future generations – ie. adopt sustainable solutions.

- Deciding against a back drop of funding constraints, and weighing risk factors, which decommissioning and clean up tasks will be progressed now and which will be deferred.

- Characterising land contamination to continue to reduce uncertainty, predict if and how risk will change over time, and to ensure proportionate remedial action. Significant ground contamination exists on the Sellafield site and 'plume' migration from the Separation Area continues to be monitored. The draft NDA strategy estimates the volume of contaminated ground is about x 10 the capacity at the Low Level Waste Repository.

- Applying more flexibility in determining Site End States by developing near term 'interim' states (in a 10-15 year timeframe) rather than attempting to detail an ultimate end state which in the case of Sellafield is currently 110 years away. The target will be to restore sites to a level appropriate for their next planned use. Unrestricted use will demand a higher level of site restoration than restricted use (e.g. future nuclear related activity). The process is illustrated in the following figure

- The NDA draft strategy recaps the current milestones for both Sellafield and the Low Level Waste Repository out to final 'site clearance' at 2120 and 2080 respectively.

CONSULTATION QUESTION 1; What are the most important factors for the NDA to consider when developing estate wide good practice for decommissioning and clean up and why?

POSSIBLE RESPONSE: The most important factors are:

- Safety of workforce and local community. Reducing the risk to tolerable levels must be a main priority. There should no be no compromise on this due to funding restrictions.

- Impact on the local environment.

- Integrating waste management and decommissioning plans to minimize the need to take lower level waste off the existing nuclear licensed sites.

- Impact on the local economy. The council would like to see the workforce managed to provide a steady level of employment long term without major declines or spikes.

- Local Authorities should be engaged in the process of life time planning at NDA sites. Local authorities are key stakeholders and regulators through their planning functions. They need to understand how developments will impact in their communities so that appropriate and timely management strategies can be developed and supported.

- A new framework of partnering between local authorities (as community leaders), NDA, regulators and SLCs is required to develop estate-wide, decade by decade, site 'road maps' that clearly identify major milestones, infrastructure needs and end dates for site restoration.

CONSULTATION QUESTION 2; What factors should the NDA consider when exploring opportunities for managing contamination in-situ?

POSSIBLE RESPONSE: The most important factors are:

- Protection of people and the environment is the overriding priority.
- There should always be an assumption that the site should be fully returned to its natural state on the basis of polluter pays principle. This should not be diluted because the task is difficult.
- The use of part of a site in the future for a purpose that would require a nuclear license should never be assumed and should always be subject to agreement and negotiation with the local authority as if it were a completely new development. Copeland BC have accepted that the end state of the Sellafield site might, in part, accommodate a repository for Lower Level Wastes but only subject to the above provision.
- Integrating waste management and decommissioning plans to minimize the need to take lower level waste off the existing nuclear licensed sites. And increase the potential for managing wastes on existing sites should be a priority.
- Consideration should be given to working in partnership with non NDA estate nuclear licensed sites to contain waste and deal with it within site boundaries. An opportunity exists to integrate the planned decommissioning the proposed new nuclear site next to Sellafield with the Sellafiel site itself.

CONSULTATION QUESTION 3: What are you views on the NDA's strategy to restore a site to condition suitable for its next planned use.

CONSULTATION QUESTION 4: What factors should be taken into account when determining how much restoration is sufficient.

CONSULTATION QUESTION 5: Do you agree with the NDA's expectation that none of our facilities will be preserved for national heritiage? If not why not?

POSSIBLE RESPONSE.

- The Council accept the principle of identifying interim states as the staged delivery of final restoration. However, we believe there should always be clear plans and costing for the delivery of each site fully restored.
- It may be appropriate for the next user to operate on a site that is not fully restored however, the user (and the community will want to be clear about who is liable for the final restoration and that the funds are set a side to do it
- We welcome he recognition of the role of the planning authority in agreeing the proposed reuse of the site.
- Key factors in how much restoration is satisfactory are the views of the local community and the aspirations for the area as set out in the Local Development Framework reflecting the communities aspirations for the area.
- If proposals come forward to use the site for a purpose which would not require its clean up to free release standards. The use should be negotiated with the Local authority as if it were a new use and should not happen by default.
- There should always be an assumption that the site should be fully returned to its natural state on the basis of polluter pays principle. This should not be diluted because the task is difficult.
- The use of part of a site in the future for a purpose that would require a nuclear license should never be assumed and should always be subject to agreement and negotiation with the local authority as if it were a completely new development. Copeland BC have accepted that the end state of the Sellafield site might, in part, accommodate a repository for Lower Level Wastes but only subject to the above provision.
- Integrating waste management and decommissioning plans to minimize the need to take lower level waste off the existing nuclear licensed sites. And increase the potential for managing wastes on existing sites should be a priority.
- The Nuclear industry history is important in Copeland and if possible there should be conservation of *suitable* heritage facilities. The local authorities would need to be satisfied that there is sufficient evidence to justify the view that nothing should be retained, following careful examination of the options. Should it not prove possible to retain some of our industrial heritage the NDA should then consider how it can provide suitable interpretation of this important part of the areas history in another way and make proposals to the local authorities.

THEME 2. SPENT FUELS

2.2 The proposed strategy for **Spent Fuels** includes:

- Reprocessing all spent nuclear fuel from Magnox reactors as soon as reasonably possible.

- Completing AGR and overseas spent fuel reprocessing contracts as soon as possible and assessing the optimal time to cease reprocessing at THORP.

- Continuing to invest in existing infrastructure to reprocess, manage assets to optimise performance, and monitor performance and plant condition.

- Placing unreprocessed oxide fuels - including future arisings – into long-term (several decades) storage at Sellafield pending fuel packaging and disposal to a geological disposal facility.

- Discussing options with Government should Sellafield be approached by third parties for spent oxide fuel management services.

- With HMG agreement, supplying advice to utilities re: UK's new reactor programme.

- Maximise opportunities to use existing facilities to reprocess non standard (exotic) spent nuclear fuels where value to the UK taxpayer can be secured. This may involve consolidating material at one or more locations for storage and treatment.

- Continuing to invest in developing contingency plans and alternative options to enable fully informed investment decisions on future reprocessing and spent fuel storage. If, for example, plant repair costs were assessed as greater than spent fuel storage costs then reprocessing work at Sellafield could cease early.

Consultation Question 6:When evaluating options for the management of spent Magnox fuel, what factors are most important for the NDA to take into account and why?

Consultation Question 7:When evaluating options for the management of spent oxide fuel, what factors are most important for the NDA to take into account and why?

Consultation Question 8: When evaluating options for the management of spent exotic fuels, what factors are most important for the NDA to take into account and why?

POSSIBLE RESPONSE

- The Council supports completion of the Magnox reprocessing campaign. Continued reprocessing of Magnox spent fuel is considered by to be essential. We acknowledge that over 90% of lifetime arisings have been reprocessed, and that contingency options are being developed in the event that planned reprocessing is not possible

- Taking into account into the account the significant amounts of oxide fuel remaining; the need for future long term storage of unprocessed fuel, along with the previous significant investment made, and the positive contribution to the local economy, we support the continued reprocessing of Oxide Fuel on site at Sellafield. We oppose the strategy to cease reprocessing at THORP and ask that future investment is planned and undertaken to reduce the amounts of material needing to be stored end disposed and limit the need for additional fuel stocks to be manufactured from what is a finite material.

- The Council supports completion of overseas and domestic reprocessing contracts and, providing plant can be operated safely or further investment does not compromise other priority outcomes, would support continued reprocessing to recycle as much spent fuel as is achievable for future energy programmes.

- It is essential that the local authorities engage early with the NDA and SLC about any end date for reprocessing so they can plan for change.

- The case for accepting the import of additional spent fuel to Copeland if it is not going to be reprocessed would have to be carefully considered by the Local Authorities. Copeland accepts spent fuel being transported to Sellafield on the basis it is being reprocessed and supports jobs in that operation.

- An options study for exotic fuels should be completed and subject to full engagement with the local community well before the operation of THORP ends

THEME 3: NUCLEAR MATERIALS

2.3 The proposed strategy for **Nuclear Materials** includes:

- Safely and securely manage the plutonium stockpile pending determination of government policy.

- Developing options which consider alternative lifecycle plutonium management solutions. Three options have been given to Government

  - Re-use in modern nuclear reactors
  - Immobilisation for disposal
  - Long term storage

- Repatriate foreign owned plutonium as per Government policy.

- Plutonium stocks will be transferred to existing storage at Sellafield or additional stores which may need to be built.

- Will continue to evaluate the performance of SMP as it has not met expectations, together with the commercial opportunities associated with its role in repatriating foreign owned plutonium.

- Consider whether consolidated storage of uranic materials is appropriate for reasons of security and economy.

- For uranic materials with market value, now or in the future, maximise value and avoid foreclosing any future options unless there is a hazard management priority.

- Rather than immobilise unsold uranics, and foreclose future options, consider as a strategic reserve.

- Reducing chemical hazard associated with uranium hexafluoride storage by conversion to a stable form by 2020 or sooner if practicable.

- Continue to manage third party material as per contractual obligations, and repatriation of overseas customers' uranium.

- Overall, NDA say they are nearing completion of their credible options study for uranics and aim to identify their preferred strategy in 2011.

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Consultation Question 9: In the development of future management options for uranics, what factors are most important for the NDA to take into account and why?

POSSIBLE RESPONSE

- The Council looks forward to receiving for comment the NDA's uranics credible options study in 2011 and the completion of the Plutonium options study

- The Council agrees that the uranics stock represent a future asset and consider an approach to the creation of a strategic reserve to be sensible. Therefore continued safe and secure storage options for both Uranics and Plutonium should remain of high importance in developing future management options.

THEME 4: INTEGRATED WASTE MANAGEMENT

2.4 The proposed strategy for **Integrated Waste Management** includes:

- Applying key principles:

  - Risk reduction (for wastes in ageing storage facilities).
  - Centralised and multi-site approaches where advantageous (within the NDA estate and with other waste producers e.g. British Energy, MoD).
  - Application of Waste Hierarchy taking account of Value for Money and other key principles.

- Engage with a new UK reactor programme – integrating UK's approach to waste management, especially regarding low level radioactive waste management.

- Making 'best use' of the Low Level Waste Repository.

- Pursuing diversified and proportionate waste management solutions
  - use of landfills for very low level waste
  - increased incineration
  - increased adoption of metal recycling

- Implementing Government strategy on radioactive discharges including the 'OSPAR' commitment to reduce by 2020 discharges to

- NDA say they will consider alternatives to geological disposal contaminated graphite from decommissioned Magnox reactors. Graphite currently accounts for about one third by volume of the higher activity waste inventory.

Consultation Question 10:"What are your views on the principles we describe for the management of waste on our estate?"

POSSIBLE RESPONSES

- The Council supports integrated waste management and rigorous application of the waste hierarchy.

- We wish to see a more integrated approach between planning for decommissioning of facilities on site and the need to bring for forward waste disposal sites. The Council believes that waste disposal should take place within exisiting site boundaries unless it can be demonstrated that this is impossible. Such demonstration would need to show that it is not possible to remove facilities to create space to meet waste disposal needs.

- The Council will resist any proposal to create any new licensed waste sites outside of the existing site envelopes. Any proposals any proposals for disposal of low or very low level waste within or adjacent to Copeland should be subject to the most stringent scrutiny. The Council will need to be fully satisfied that any such proposals are the best option, fully meet all environmental and planning assessments, and can be clearly demonstrated to have no significant adverse planning, regulatory or community impacts which would indicate that facilities would be better sited elsewhere, and that any proposals must be subject to full community and stakeholder engagement.

- We note that the recently published National Strategy for Low Level Waste recognizes that Cumbria is a special case when it comes to the proximity principle. As the large majority of waste arisings will be in Copeland, and they are due to national decisions to meet the nations nuclear needs, retaining the full amount of waste locally would be an inappropriate concentration of the burden in a small area. Consideration should be given to whether some waste could be moved by rail to other locations. This is particularly relevant

Consultation Question 11 What are your views on consolidating storage of radioactive waste at a reduced number of sites and on the possibility of near surface disposal of some ILW at or near existing nuclear licensed sites?

POSSIBLE RESPONSE

- The Council would be concerned if the consolidation of storage had a detrimental impact on West Cumbria due to negative public perception associated with the storage of wastes, created in other parts of the Country. We also believe that consolidating waste in West Cumbria might be seen to prejudice the national process for identifying a site for a repository.

- The Governments independent committee on Radioactive Waste Management (CoRWM) considered a broad range of options for the long-term management of higher activity wastes, including ILW, and recommended that a UK solution be adopted of deep geological disposal, supported by safe and secure waste storage arrangements. We would therefore not be in support of near surface disposal of some ILW at or near nuclear licensed sites.

Consultation Question 12: What Comments do you have on how we should implement the strategy set out here (lower level radioactive wastes)

- We agree with the strategy identified to manage Lower Level Wastes particular through the waste hierarchy. However this is subject to the comments made above.

- The strategy needs to integrate its decommissioning and waste management plans so that existing nuclear sites can take the disposal of their own waste.

Consultation Question 13: Do you think that there are opportunities for managing non radioactive and hazardous wastes better across the NDA estate, and if so, what are they?

- See previous comments.

THEME 5: BUSINESS OPTIMISATION

2.5 The proposed strategy for **Business Optimisation** includes:

- Development of commercial opportunities to *maximise revenue* from existing assets, operations and people, without impacting on NDA core mission or increasing liabilities.

- Optimising revenue from electricity generation (4 reactors remain operational at Wylfa and Oldbury though these sites are both currently scheduled to shutdown by 2012).

- Optimising revenue from the production of mixed oxide fuel in the Sellafield MOX Plant.

- Providing services to MoD (storage facilities for MoD used fuels and nuclear materials).

- Providing marine transportation services and rail transportation services.

- Discussing other revenue opportunities with Government, including a new reactor programme, such as ownership and management of the supporting UK nuclear infrastructure.

- Retaining the minimum land and property assets required to complete NDA site restoration mission.

Consultation Question 14: When evaluating the opportunities to dispose of assets or pursue additional commercial revenue, what factors are the most important for the NDA to take into account and why.

POSSIBLE RESPONSES

- We strongly support the NDA maximizing the commercial use of its facilities. We also believe that there should be a focus on developing the commercial potential of the industry even beyond the funding needs of the decommissioning programme.

- We would support new reprocessing contracts and investment in new reprocessing facilities.

- We believe that this commercial approach has been lost in view of the mission of the NDA and the limitations of the decommissioning contract operated a the Sellafield site. With increasing investment worldwide in the nuclear industry UK PLC and the West Cumbrian economy is missing out. Government should consider how such an entrepreneurial approach can be reintroduced.

- In considering the value that can be generated from the sale of land and property assets the NDA should take a holistic view. This should include the impact on the NDA's objective of helping to diversify the local economy and not purely the best direct financial return.

THEME 6 CRITICAL ENABLERS

2.6 Finally, the **Critical Enablers** are the many associated activities required to support delivery of the other five 'strategic themes'.

2.7 The Draft Strategy includes 13 Critical Enablers which are seen as key to the effective and efficient delivery of the work of the NDA through-out the lifetime of the Strategy and beyond.

2.8 The Critical Enablers are :

- Health, Safety, Security, Safeguards, Environment & Quality
- Research & Development
- People (incorporating Skills and Capability)
- Asset Management
- Contracting & Incentivisation
- Competition
- Supply Chain Development
- Information and Knowledge management
- Socio-Economics
- Public and Stakeholder Engagement and Communications
- Transport and Logistics
- Funding
- International Relations

2.9 NDA draft strategy continues to commit to: the 'sustainable economic development of communities affected by our activities'; research and development in support of priority objectives; and 'proportionate' public and stakeholder engagement including the 'continuous monitoring' of the effectiveness of site stakeholder groups.

Consultation Question 15: What factors do you believe NDA should take into account in seeking the optimum standards of health, safety, security and environmental performance in the delivery of environmental restoration?

POSSIBLE RESPONSES

- Informed challenge and innovative ways of sharing good-practice, should under-pin the NDA's approach in this area.

- The NDA need to work in partnership with the developers of the adjoining new reactors, to ensure the road infrastructure is brought up to safe modern standards that will properly accommodate the movement of people from both sites simultaneously. Acceptable infrastructure will be necessary if the application for development consent is to be supported.

Consultation Question 16: What do you think about the NDA taking broader approach by coordinating R&D strategy for decommissioning and clean-up across the wider nuclear sector ?

POSSIBLE RESPONSES

- We consider it sensible for the NDA to adopt a broader approach by coordinating their R&D strategy for decommissioning and clean-up. In doing so, the opportunity for the sharing of national and international best practice exists, and efficiencies are improved through the removal of the duplication of effort, and the reduction of costs and timescales.

- Commercial exploitation of Intellectual Property (IP) is a key factor in this area and we would ask that IP developed and created in the UK is given the appropriate degree of protection to ensure that the UK receives the longer-term benefit as a result of leading R&D activities. We suggest that this approach needs to be accompanied by a robust, and if possible, independent scrutiny/ evaluation role to ensure an impartial and innovative approach to R&D is followed.

Consultation Question 17: What are your views on the NDA's proposal that in order to deliver our people strategy, we should extend our partnerships to other parts of the nuclear industry?

POSSIBLE RESPONSES

- We support the proposal. It is important that there is good people planning across the nuclear industry. In particular we are very keen that within West Cumbria there is a strong coordination of workforce planning across all nuclear activities especially decommissioning, waste management and nuclear new build. There should be appropriate investment in achieve this.

- In addition it is important that the NDA's commitment to West Cumbria as set out in the Memorandum of Agreement signed by the NDA and Government, is reflected within the people strategy of the Authority. This should include planning for, and investing the future plans for the area. These plans include a move to a greater focus on higher level nuclear activities. A partnering role in such areas should continue and be further developed.

Consultation Question 18: To what extent should the NDA focus on knowledge management compared to information management compliance?

POSSIBLE RESPONSES

- We consider that the appropriate balance of knowledge management and information management compliance needs to be set within the management structures of the NDA. To an extent information management compliance is set by the constraints of the regulatory bodies through their interaction and enforcement with the NDA. The NDA needs to scope and ensure that the necessary routes for the transfer of knowledge amongst the workforce is at the optimum level to ensure the effective operation of the organisation. The Draft Strategy points to this direction, but does not provide an indication as to how it intends to secure appropriate transfer of knowledge within and without its organisation.

Consultation Question 19: What alternative approaches could be considered in the delivery of our socio-economic activities?

POSSIBLE RESPONSE

- We acknowledges the significant input provided by the NDA in assisting socio-economic development throughout West Cumbria . The "joined-up" approach to the distribution of socio-economic funding with sub-regional business and community support organisations is a sensible

Consultation Question 20: What emphasis should the NDA place on using transport rather than duplicating assets and capabilities in numerous locations across our estate?

POSSIBLE RESPONSE

- We support the transport and logistics strategy as set out in the consultation document .

- Where transportation takes place it should be of the highest quality and the infrastructure required to support that must be up to the highest standards to provide confidence to the communties affected.

- Whilst the impact of transportation of materials is significant it is short term. Issues of transportation should not be used to override the correct long term decisions about the location of investments in facilities

3. CONCLUSIONS

3.1 The possible responses included above provide material for consideration alongside the workshop that is taking place on 26th October. The final response to the consultation will be developed after this.

4. WHAT ARE THE LEGAL, FINANCIAL AND HUMAN RESOURCES IMPLICATIONS?

4.1 There are no legal implications however there are potential human and resource implication of the Council playing its necessary part in the issues raised on behalf of the community. It is not possible to cost this at the present time. However it is recommended that the following additional response is made in addition to answers to the questions asked:

- .The council has a very important role in engaging in the issues and decisions facing the NDA and must be fully engaged. For some years the Council has sought support for this activity from the NDA. This has not been resolved. It is unreasonable for local Council Tax payers to fund this involvement. Intimes for particular financial stringency the Council will have to consider if its statutory role in relation to the NDA should be subject recharging. This would be in line with the NDA's relationship with other regulators.

5. HOW WILL THE PROPOSALS BE PROJECT MANAGED AND HOW ARE THE RISKS GOING TO BE MANAGED?

5.1 This section is not directly relevant but if agreement is reached in relation to the response suggested in the last paragraph further consideration of this will be necessary.

6. WHAT MEASURABLE OUTCOMES OR OUTPUTS WILL ARISE FROM THIS REPORT?

6.1 An approach form the NDA that will better accord with the views of the Council on behalf of local people.

List of Appendices: Most recently Agreed set of Policies for information

List of Background Documents: NDA Strategy Consultation 2010

Nuclear Policies (2007)

CBC NUCLEAR POLICIES

Introduction

1. This document brings together Copeland Borough Council's key policies in relation to the nuclear industry.

Purpose

2. It creates the potential to formally clarify the Councils position for both the industry and related governmental organisations.

3. An agreed comprehensive policy document will provide guidance to officers and members and will help to ensure the Council adopts a consistent approach.

Consultation

4. The document has been the subject of consultation with local partners and organisations. The wider community will also be consulted through the production of a simplified questionnaire on some key issues including those related to the long term management of radioactive waste.

COPELAND BOROUGH COUNCIL

Policies in Relation to the Nuclear Industry and the Management of Radioactive Waste

1. SAFETY

1.1 **The Council's overriding policy is to ensure the safe operation of the nuclear industry and that safety standards are of the highest possible order to protect the wellbeing of employees and the local community**.

1.2 The Council has a high degree of confidence in the safety regulation operated by the Health and Safety Executive (Nuclear Installations Inspectorate). The Council will scrutinise the operation of the latter through the West Cumbrian Sites Stakeholder Group to ensure all risks are minimised.

1.3 Most of the detailed examination is covered in the Environmental Health sub-group and communication between Council representatives on this sub-group and the attendees at the WCSSG will be robust.

1.4 Report back from the sub-group to the Council's Nuclear Working Group is a standard item for the NWG agenda.

2. ENVIRONMENT

2.1 It is Council policy that the nuclear installations in Copeland should have the minimum environmental impact. It supports the continued reduction of any emissions from the site and the reduction of on-site contamination.

2.2 The Council believes that government and the industry (based on the Polluter pays principle) has a responsibility to remediate all contamination created by site activities in due course.

2.3 If all of the contaminate land is not removed from the site then it should be managed as a controlled and contained waste repository and not just left in situ.

3 NUCLEAR RELATED DEVELOPMENT

3.1 **The council's policy is to encourage new development in Copeland related to the nuclear fuel cycle provided that the benefits created, particularly in terms of jobs and the economy, outweigh detriments. Such possible developments include the construction and operation of new Nuclear Power Generators, Nuclear Fuel Reprocessing and Manufacturing facilities. This policy is in line with content of the West Cumbria Masterplan agreed with Cumbria and Regional partners.**

3.2 **The relocation of non radioactive development from the site shall be undertaken in accordance with Land Plan Policy NUC 3.**

3.3 Any such facilities need to be built to the highest possible technical and safety standards and make a positive contribution to the areas reputation as an area of clean technology and world class technical excellence in the sector.

3.4 Employment related to the nuclear industry should only be located on licensed nuclear sites when operationally essential. Where possible office space accommodating staff should be located in Copeland's town centres. This is to ensure sustainable development and make such accommodation more useable for other purposes after decommissioning and to support healthy and vibrant town centres.

3.5 To ensure sustainable development any extensions of the footprint of nuclear sites will be resisted in view of the space that will be released within the site, in due course, as a result of decommissioning. **Land Plan Policy NUC 2.**

4. SUSTAINABLE TRAVEL PLANS

4.1 **The Council will promote a policy that encompasses the promotion of sustainable travel including mandatory travel plans at all nuclear – related sites.**

4.2 The overall transport infrastructure in Copeland is inadequate for the scale and nature of the nuclear activities in the Borough. The Council will continue to lobby for the allocation of resources to make significant improvements. The council will expect significant improvements to accompany any significant new development.

5. LEGACY CLEAN UP

5.1 **The Council's policy is to fully support the Legacy clean up being carried out by the Nuclear Decommissioning Authority. In principle, it supports the decommissioning and clean up of the most hazardous facilities as a top priority subject only to considerations of safety.**

5.2 Planning for legacy clean up must take into account the impact on employment of local people and the overall effect on Copeland's economy. Site programmes should be designed to maintain a steady level of employment for as long as possible. It will not be acceptable to have periods of 'boom and bust' where there are periods when jobs are considerably reduced and others where it is necessary to draw external contract labour into the area.

5.3 The Council expects the NDA and its contractors to undertake effective workforce planning to ensure the skills are available amongst local people to carry out the full range of clean up and decommissioning activities required in the future. Priority in any reskilling should be given to existing staff in operations that will be coming to a end.

5.4 The NDA has a responsibility for managing socio economic change triggered by decommissioning of the facilities. The Council expects the NDA and its contractors to consult the Council on the development of these plans as Copeland Borough Council has statutory responsibilities to manage the economic wellbeing of its area and is a statutory consultee on the NDA's Strategy and Annual Plans.

5.5 Socio economic plans should be compliant with the strategies agreed by Copeland Borough Council for the economic and social development of its area.

5.6 Copeland will work with the NDA and other partners to deliver the agreed actions to offset the impact of nuclear decommissioning on employment and the economy locally.

5.7 Copeland expects the NDA to maximise the opportunities through its spending power to support he development of economic transition in Copeland.

6.0 LONG TERM MANAGEMENT OF RADIOACTIVE WASTE

6.1 **It is Council policy to seek a strategic and co-ordinated approach to dealing with waste nationally with the long term management of the lower level wastes being regionally or sub regionally based and the very highest level wastes being in centralised management facilities. The council fully endorses the use of the Waste Management Hierarchy which provides a framework for the efficient management of waste. In any siting process issues relating firstly to safety and secondly to environmental impact must be given priority.**

6.2 **Copeland Borough Council recognises that the UK Government will need to find one or more locations for such facilities. On the basis described in this policy the Borough Council would be prepared to enter into a dialogue with Government to explore whether there are circumstances under which the Copeland community and the government could enter into a partnership that agree formal arrangements for Copeland hosting a long term radioactive waste management facility.**

6.3 **The Council policy is to favour phased deep geological disposal of higher level wastes, which would be fully monitorable and retrievable, until such time that sufficient research is available on the facility operation to determine the appropriate backfill date.**

6.4 **With regard to Low Level Radioactive Waste in particular, the Council's position is to oppose any increase in capacity at the Low Level Waste Repository in Copeland until a community package is agreed with this Council.**

6.5 **Copeland Borough Council has maintained a consistent policy in recent years that additional LLW and ILW from outside this area should not be moved to Copeland unless a negotiated agreement, including a community offset package, can be agreed.**

6.6 **The Council will only support a proposal for disposal or long term storage of radioactive waste where it meets the requirements set out in Local Plan Policies I and 2.**

6.7 Copeland would have serious concerns if West Cumbria were used as a centralised interim storage location for intermediate or higher level radioactive wastes. This would prejudice a future siting decision for a repository or other permanent facilities and concentrate perceived hazard and risk and associated stigma in our area to our further disadvantage. Increasing the amount of the UK's waste stored locally will increase the likelihood of a disposal facility being in West Cumbria and reduce the attractiveness of alternative options.

6.8 The NDA's pricing structures should encourage waste minimisation and recycling wherever possible.

6.9 The Council believes that any process for siting long term radioactive waste management facilities or centralised interim facilities must rely on a partnership with willing host communities. This needs to include full consideration of community packages to offset detriment and make any such facility acceptable to the receiving community.

6.10 The Council believes that the process for siting long-term radioactive waste management facilities should involve clearly defined decision milestones that are integrated with evolving planning and regulatory processes, including requirements for sustainability appraisal and strategic environmental assessment.

6.11 During the course of a siting process it may be necessary to review, amend or develop Local Development Frameworks (LDFs) or Regional Spatial Strategies (RSSs). In order to clarify what is required of the developer in the siting process, the Government should issue a Planning Policy Statement specific to long-term radioactive waste management facilities.

6.12 The siting process must include a right of withdrawal on the part of participating communities. A decision to withdraw would be made by the relevant local authority, following engagement with local communities, and in the light of material evidence that set out the case for withdrawal.

6.13 The implementing body would respect the decision of the local authority to withdraw and would remove the affected area from the siting process. It is envisaged that the decision to participate and the right of withdrawal would be set out in a formal agreement between the implementing body and the relevant local authority.

6.14 This might take the form, for example, of a Memorandum of Agreement. This would specify the sort of conditions under which a right of withdrawal could be exercised (for example, if evidence became available that the proposed site was unlikely to be acceptable on environmental or safety grounds). The formal agreement should also identify the milestone beyond which a right of withdrawal would no longer be available. This might, for example, be when full planning permission is granted for the development of the facility.

6.15 The partnership agreement would need to reflect the value and scale of such a service to the nation.

6.16 The Council believes that for any such partnership agreement to be reached, the local community will need to be fully engaged in the issue and widely consulted before Copeland Borough Council makes a final decision.

6.17 Measures to offset the detriments created by the presence of hazardous radioactive wastes, and recognition of Copeland's strategic national importance in this respect, have been minimal. The Council does not accept the concept that it is equitable for Copeland to host waste generated in its own areas just because they have received economic benefits from previous nuclear operations. Nuclear facilities were installed to meet a national need and not a local need; the benefits have therefore been national whilst most of the detriment has been local.

6.18 Community offset packages need to recognise the length of the time period that the local community will be affected by potential detriments is unusually long and that packages to offset this must provide a positive impact for a similar length of time. A

major element of any such offset package should be an intergenerational endowment fund that can be managed to the benefit of local people, by the local people, into the long-term future.

6.19 Copeland Council and the siting partnership should be fully funded by Government to involve the local community in a dialogue on these issues and it should not be the responsibility of the local Council or local Council Tax payers to fund the costs of this.

7.0 MANAGEMENT OF THE LOW LEVEL WASTE REPOSITORY IN COPELAND

7.1 **The Council's policy is to favour the 'Disturb' end state – i.e. remove waste and release free from institutional control unless:**

a) **the safety case in relation to sea level change is agreed, and**
b) **a community compensation package is agreed with Copeland Borough Council**

If the two conditions above are met then Copeland Borough Council would accept 'Partial Disturb'. Subject to the trenches being excavated and the waste appropriately disposed of.

7.1 **End Use**: **Subject to the policy on the end state above the Council supports the preferred uses of waste management and recreation and nature reserve identified in the stakeholder exercise**.

7.3 Waste minimisation, recycling and free release for lower level wastes should be maximised. This is not best served by reducing the cost of disposal. The Council believes that consideration should be given to reviewing the cost of disposal at the LLWR as any net increase in disposal income should be used firstly to fund a local offset package and then to provide additional funding for decommissioning work.

7.4 As much transportation of radioactive materials should be by rail due to the unsuitability of the road infrastructure through Drigg village. However, there will be occasions when very large loads can only be moved by road and therefore the Council wishes to see a new access road to the site bypassing the village. **Local Plan NUC Policy 5.**

8.0 USE OF NUCLEAR SITES AFTER DECOMMISIONING

8.1 **It is Council policy that Copeland's nuclear sites should be treated no less favourably than nuclear sites elsewhere in the country. Users that despoil land have a duty to the local community and society at large to put right contamination and return the site to its original condition. Any intention to reclaim sites to a lower standard should not disadvantage the community affected.**

8.2 **Incomplete clean up should only be carried out with the agreement of the community as represented by their local authority. There would need to be clear benefits to the community if it were to accept less than full restoration. In any negotiations on this issue consideration will need to be given to the length of the decommissioning process and society's rapidly changing standards of what is acceptable environmentally.**

8.3 **However,taking the above considerations into account it is Council policy that the following proposals are put forward for each section of the Sellafield site:**

i) ***North*: Should be fully restored and allocated in part for technology/research/business park use. The larger part to be made available for large special industrial uses (not general industrial)**

ii) ***Windscale*: Fully restored possible use in association with North area for large special industrial uses**

iii) ***Central*: Fully restored and possible Low Level Waste repository as described in para 5.4 above or special industrial(not general) or leisure/forestry/agriculture**

iv) ***Calder and South:* Full restoration and use as leisure/recreation / agricultural forestry.**

8.4 **Any site planning processes on nuclear sites outside our area may impact on Copeland with respect to proposals to relocate contaminated materials arising. As stated in para 6.4 above it is Council policy that no arisings from outside our area should be sent to Copeland unless it has been fully involved in the decision-making processes.**

8.5 Whilst it is recognised that it will be a considerable period of time before any Copeland's nuclear sites could be used for alternative purposes it is important to start considering end uses at an early stage to ensure that work carried out early fits in with longer term plans and future budgets and liabilitiescan be more accurately assessed.

8.6 In general the Council expects to see sites progressing towards free release and delicensing. In the short term we would expects to see the Sellafield site reduce its footprint as peripheral parts of the site are decommissioned cleaned and released.

9.0 EXTERNAL FUNDING

9.1 **It is Council policy that it should seek additional resources to enable the democratically elected body to fully engage with the local community on nuclear matters**.

9.2 Whilst it the normal business of Councils to seek and represent the views of its residents and provide expert input to key decision making processes on their behalf, the requirements of the nuclear industry place an undue burden which is not reflected in the resources provided to the Council. It is not acceptable for local Council Tax payers to fund this work so special funding will continue to be sought from Government or the industry.

9.3 The Council expects that contractors to the nuclear industry will operate corporate social responsibility activities at the highest level to benefit the local community within which they work. This should include good neighbour support for the local community and play an active part in the local community. Tier one suppliers are expected to develop and support good liaison arrangements with the Borough Council.

ANNEX 1, EXTRACTS FROM COPELAND LOCAL PLAN

10. SELLAFIELD AND THE NUCLEAR INDUSTRY

10.1 INTRODUCTION

10.1.1 The nuclear industry plays a key role in Copeland. There are currently some 11000 employed at Sellafield and a further 2500 jobs depend on the purchasing power of the industry and workforce. The current site owner and operator, British Nuclear Group(BNG), plays an important role in the community not only as an employer but as a major stakeholder in projects to diversify the local economy. The company is a partner in the West Cumbria Development Fund which has supported major infrastructure projects including the Westlakes Science and TechnologyPark and the regeneration of Whitehaven harbour and which underwrites the business support role of the West Cumbria Development Agency. It also works proactively with local schools and training agencies to help them meet the skills needs of the local economy both now and in the future.

10.1.2 The future of the nuclear industry is a national issue. Copeland has been the focus of major inquiries into fuel reprocessing (the THORP Inquiry) and into the development of an underground disposal site for radioactive waste (the NIREX Inquiry). Important areas of Government policy are

- There are no currentplans to invest in further nuclear power stations and the BNG business plan envisages that all reprocessing will cease by 2012.
- The clean up of the legacy of the nuclear energy programme is proposed to be the responsibility of the Nuclear Decommissioning Authoritywhich will be based in West Cumbria.
- A review of the national radioactive waste management strategy is underway with completion not expected until 2006.

10.1.3 The wide ramifications of this policy background have been discussed in the Employment Chapter. However two crucial issues are how the local community is involved in the debate on the future of the industry and how to ensure that whatever solutions are found that they are sustainable in the widest sense of a healthy local economy, environment and community.

10.2 RADIOACTIVE WASTE MANAGEMENT

10.2.1 Reference has been made to the DEFRA review of national radioactive waste management policy. The Council is keenly aware that previous proposals for a radioactive waste deep disposal site have focused on Copeland. This is a strategic national and international issue which will be determined by the Government. As set out in the Development Strategy (2.10) the Council wishes to ensure that in so far as any decision has a spatial impact on Copeland it is based on a full consideration of all the facts.

Policy NUC 1 : Radioactive Waste Storage and Disposal

The Council will only support a proposal for disposal or long term storage of radioactive waste where it meets the requirements set out in Structure Plan Policy ST 4and Local Plan Policy DEV 9 and in addition has

1. **Involved and secured the support of the local Copeland community in the development and subsequent implementation of such proposals**

2. **Included measures to meet local community needs and to mitigate the adverse effects of the proposals on the social and economic well being of the community.**

10.3 SELLAFIELD

10.3.1 The Sellafield site occupies some 300ha of land on the coast north of the village of Seascale in an area of relatively low population density. It started producing plutonium for military purposes in 1946 and later the first ever commercial nuclear power station was built at Calder Hall in 1956. An experimental Advanced Gas Reactor was built in 1963. Today none of these plants is operational and the Windscale military reactor piles are currently being decommissioned

10.3.2 At present the site supports four main activities :

- the reprocessing of irradiated fuel ;
- the treatment of waste products arising from reprocessing
- the manufacture of MOX fuel from plutonium and uranium recovered from reprocessing ;
- and the storage on site of waste products.

10.3.3 For a number of reasons reprocessing is becoming a less attractive option for dealing with irradiated fuel on both environmental and economic grounds. In addition the magnox stations are being phased out. In the foreseeable future therefore it is likely that reprocessing will cease at Sellafield and the remaining on site activity focused on decommissioning and clean up. The current British Nuclear Groupbusiness plan assumes that by 2013 all reprocessing plants and the MOX fuel fabrication plant will have been shut down. The economic implications of this have been referred to previously as a key driver for developing alternative employment opportunities. However the site based issues include

- The greater part of the UK inventory of intermediate waste and all the UK highly active waste is stored at Sellafield. The change of emphasis in national waste management policy from reprocessing to storage may lead to proposals to import fuel or other waste to Sellafield for storage. This is particularly likely in the light of the long term timetable for the DEFRA review of waste management options. The Council considers it would not be in its interest for this to happen because it would tend to influence and take the pressure off the DEFRA review. However the reality is that some decisions will have to be taken on

operational, safety and environmental grounds over the next two or three years. The Council needs to be in a position to negotiate with the industry as and when such proposals come forward.

- The decommissioning proposals for the site will extend well beyond the Local Plan timescale. However as with the decontamination of other industrial sites it is important that the end use is established and that activity on site complements and contributes to this end.

10.3.4 It should be noted that the Government is proposing to establish a Nuclear Decommissioning Authority to be responsible for the radioactive waste legacy in the UK. It will take over the ownership of the Sellafield site and other British Nuclear Groupassets. A detailed decommissioning programme for the Sellafield site is being developed in the form of a lifecycle baseline incorporating milestones towards achieving a restored site. It will be subject to local consultation and agreement and will inform decisions by the Council under Policy NUC2.

Policy NUC 2 : Use of the Sellafield Licensed Site

Within the licensed site boundary development for or related to the nuclear fuel cycle will onlybe permitted where the development contributes towards a long term strategy for the future management of the site.

With the exception of irradiated fuel and the transfer of waste from Drigg Disposal Site no radioactive waste shall be imported for treatment or storage on the licensed site unless the proposal;

1. **represents the best practicable environmental option and is an interim proposal pending agreement on a national disposal route**
2. **involves and secures the support of the local Copeland community**
3. **includes measures to meet the local community needs and to mitigate the adverse effect of the proposal on the social and economic well being of the community**

10.3.5 There are proposals to transfer office jobs currently provided within the site to locations outside the licensed site boundary. As far as possible the Council would expect these jobs to be relocated in accordance with the Development Strategy and Town Centre policies. There may be instances where there is a need to locate these jobs adjoining the licensed site boundary and so extend the area of the site. No provision is made for such development in the plan. If such development were to be approved the Council would seek an agreement to assist in the provision of compensatory investment to address the loss of the benefits of this employment from more sustainable locations, in particular town centres.

Policy NUC 3 : Relocation of Non Radioactive Development

The relocation of non radioactive development from the site shall be undertaken in accordance with the Development Strategy Policies DEV 1to6. The following preferred locations are identified:

- **General office in town centre or edge of town centre locations**

- **Nuclear technology related at Westlakes Science and TechnologyPark**

- **Workshops/processing operations on local employment sites**

10.3.6 *Where exceptional operational or other grounds dictate that non radioactive development cannot be located in accordance with NUC3, the location of development contiguous or very close to the Sellafield site would be considered favourably in the context of Local Plan Policies DEV 6 and DEV 8 subject to the applicant entering into a planning agreement or making a unilateral undertaking to address the loss of this investment elsewhere in the Borough.*

10.4 DRIGG DISPOSAL SITE

10.4.1 *The disposal of all solid Low Level Radioactive Waste (LLW) arising at Sellafield is undertaken at Drigg LLW Disposal Site about four miles to the south of Sellafield to which it is linked by rail. It has been operational since 1957 and is effectively the national LLW disposal site. It was originally tipped very much like any other landfill site but over the last few years significant improvements have been to the way in which the site is managed.*

10.4.2 **In the absence of a national strategy for radioactive waste there is no agreed long term disposal route for LLW once the Drigg Disposal Site is full. BNF has introduced high force compaction and grouting of waste which will extend the life of the consented area of the site. The Council takes the view that the use of the Drigg Disposal Site should not include processing of waste since this would be incompatible with this quiet stretch of coastline and would lead to increased traffic and disturbance to the village of Drigg. However responsibility for development proposals at the Drigg Disposal Site relating to the storage of waste lies with CumbriaCounty Council as waste disposal planning authority.**

POLICY NUC 4 : Drigg Disposal Site

The Council when consulted on development proposals at the Drigg Disposal Site will seek to resist any proposal for an extension to the existing consented area for the disposal of low level waste or for the introduction of processing operations associated with disposal.

POLICY NUC 5 : Transport of Materials to Drigg Disposal Site

In considering a consultation on any proposal for further development within the consented area at the Drigg Disposal Site the Council will seek to ensure that construction materials are brought to the site by rail as a condition of any consent.

EMPLOYMENT SITES

Extract from 3.1.37 There are three non-settlement based employment sites in the plan area which will be retained:

Sellafield : Over 300 ha land is within the licensed site, although there are additional facilities on land outside the security fence. On the face of it there would appear to be space within the site for all expected operational and storage requirements over the plan period including the decommissioning phases. The Council will expect the operators to continue to reduce radio-

active waste discharges in line with national and international limits and to co-ordinate the processing and storage of waste in accordance with long-term management plans which minimise any harmful effects. All new development proposals at Sellafield and the nearby Drigg Disposal site will be subject to these requirements. There will also be encouragement for the site operators to co-operate with the local authorities in producing a Green Travel Plan so as to reduce the impact of car-borne commuting to the site which is felt over a wide area. The Council will also expect all major freight and materials to and from the site to be transported by rail. Where feasible this will be achieved through the imposition of planning conditions or obligations.