

DISPOSAL OF RADIOACTIVE WASTE AT LILLYHALL LANDFILL SITE SCOTTISH ENVIRONMENT AGENCY AUTHORISATION TO MAGNOX NORTH LTD, LILLYHALL.

EXECUTIVE MEMBER: Councillor E M Woodburn
LEAD OFFICER: Fergus McMorrow, Corporate Director Neighbourhoods and Development
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Summary and Recommendation:

This report draws together and then sets out a proposed response to the Scottish Environment Agency's (SEPA) proposed authorisation under the Radioactive Substance Act (RSA)

It is recommended

- (a) While recognising that there are no safety objections under the RSA which would prevent the disposal of VLLW at this site, the Council express concern at the potential socio-economic harm to the Copeland business community due to perceptions of risk related generally to radioactive waste;
- (b) a strategic land use planning approach to such decisions with the full involvement of the Local Councils, and the draft response in Appendix 1 is agreed;
- (c) delay any such decisions until an appropriate process has been completed;
- (d) it is further recommended that the response to the SEPA on its consultation, to be copied to the NDA, DECC officials and NuLeAF, in co-ordination with Allerdale and Cumbria County Council, with a request to discuss the issues raised

1. INTRODUCTION

- The Nuclear Working Group is asked to agree the Council's response to an important SEPA consultation on an application by Magnox North Limited to dispose of radioactive wastes at the Waste Recycling Group Lillyhall Landfill site. Views are being sought by the SEPA prior to its finalisation of the decision, on the application for authorization under Section 13 of the Radioactive Substances Act 1993 to dispose of Radioactive Wastes from the Decommissioning of the Chapelcross works near Annan in Scotland.
- 1.2 The application is for disposal of solid, high volume, very low level radioactive wastes (HV-VLLW) at Waste Recycling's Lillyhall site. SEPA has issued guidance on such disposals, on its web site, which have been drawn on in compiling this report. Planning consent issues are a matter for Cumbria County Council.
- 1.3 The application relates to s13 of the RSA, 1993. The waste to be disposed of is HV-VLLW, originating from the Chapelcross nuclear site. The disposal route is burial alongside non-radioactive wastes at the Lillyhall site. Of up to 200m³ of HV-VLLW per year. The actual amounts will vary year by year going to Lillyhall. An overall site total of all wastes is assumed at 67,000 m³. Assuming planning permission is granted, disposal to the landfill will continue to 2031, resulting in a maximum total disposal volume of 582,000 m³ of HV-VLLW, out of an estimated total remaining site capacity of 1.5 million m³. These limits will be subject to additional controls to ensure compliance with the environmental safety case. A "sum of fractions" approach will be used to account for the mix of radionuclides present in the waste, and ensure that radiation doses are not in excess of relevant regulatory criteria. The current planning consents lasts only to 2014 and renewal will be needed to lead to the expected lifetime. Magnox North Limited requests that the varied authorization permits disposal of Very Low Level Waste to any specified Landfill that is appropriately authorized. It is appreciated that SEPA will not be able to issue a variation to the existing Chapelcross authorization until the Environment Agency has determined the application made by Waste Recycling Group Limited and issued the appropriate authorization. It is also appreciated that some of the very low level waste currently being stored at Chapelcross is likely to be re categorized as either non radioactive or exempt radioactive waste.
- 1.3 Members of the Nuclear Working Party Group previously discussed this matter on 16 December 2009, Minute NWG 07/09 refers and it was

RESOLVED – that the Council and its partners continue to seek the commitment of the industry operators and the NDA to

- (a) a strategic land use planning approach to such decisions with the full involvement of the local Councils; and
 - (b) delay any such decisions until an appropriate process has been completed.
- 1.4 National Government Policy on Low and Very Low Level Radioactive waste was set out in 2009. At issues are the very large volumes of very low level radioactive waste needing disposal, due to decommissioning at Sellafield and across the UK.

2 CONCLUSIONS

- 2.1 While acknowledging that finding sites to accommodate high volume very low level radioactive wastes (HV-VLLW) is a major issue for the NDA and for SEPA and EA to issue authorisation for such disposal, it is clear that NuLeAF, the County Council as Waste Planning Authority, and Copeland Borough Council (wearing its nuclear issues hat), are satisfied that an ad-hoc approach to finding disposal routes for HV-VLLW is inappropriate. The broad local government consensus is that their needs to be a 'plan led' approach to identifying suitable locations. Taking into account the UK Government policy on Low and Very Low Level Waste, and the NDA's strategy of allowing the market to identify and bring forward sites capable of handling Low and Very Low Level Wastes. The current ad-hoc approach cannot compare sites to demonstrate that they are the "Best practicable Environmental option "in regulatory terms, hence the need for a national and regional siting strategy fully cognisant of the waste hierarchy.
- 2.2 Both SEPA and EA are both able to say that such facilities can be accommodated without risk as set out in the relevant regulations and thus there is no need for public or community concern. However, in planning terms, the perception of communities and business is likely to be that any radioactive materials in their vicinity will be a matter of real impact. The Council thus needs to tread carefully in expressing its views. This particular authorisation becomes something of part of the test case – the proposal meets SEPA/Licensing Criteria, but introduces radioactive materials in proximity to a major industrial/commercial estate on the boundaries of the Borough – which could have significant socio-economic impact on the basis of perception of risk. A plan led approach, which would likely see location of such facilities on or adjoining nuclear sites may avoid that problem and any risk to the Local economy.
- 2.3 It is suggested that the response to SEPA is as in the attached draft letter, (Appendix 1) which would be copied to the NDA and others as set out in the above recommendations. In addition it is proposed that the EA, SEPA, NDA, and DECC officials be asked to meet with the NuLeAF (including Copeland officers/

members) to explore a way forward in resolving the difference of approach such ad-hoc proposals are raising.

List of Appendices

Appendix 1 – Draft Response the Scottish Environment Protection Agency

List of Background Documents: Authorisation application no: CD 305/95

List of Consultees: As per SEPA Consultation Document for discretionary consultees and the public.

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed . This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

| | |
|---|-------------------|
| Impact on Crime and Disorder | None directly |
| Impact on Sustainability | Yes significantly |
| Impact on Rural Proofing | None directly |
| Health and Safety Implications | None |
| Project and Risk Management | None |
| Impact on Equality and Diversity Issues | None |
| Children and Young Persons Implications | None |
| Human Rights Act Implications | None |
| Monitoring Officer Comments | |
| Section 151 Officer Comments | |

Please say if this report will require the making of a Key Decision NO