

# Somerset West and Taunton Council

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## Importation of nuclear waste into Hinkley Point A site.

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### 1 Executive Summary

During the operational and defueling phases of a Magnox nuclear power station site, spent (used) fuel elements were removed from the reactor core and placed into skips for on-site storage in ponds whilst they cooled. These skips of spent fuel elements were then transported to Sellafield where the spent fuel elements were removed for reprocessing. Once empty, the skips were returned to the Magnox site for reuse. Following completion of defueling, each Magnox nuclear power station site was left with an inventory of redundant skips which were, to varying degrees, radioactively contaminated.

Hinkley Point A (HPA) has permission to store its own waste, but not all civil nuclear plants do. Magnox (the operator) intends to minimise the construction of Interim spent fuel Storage Facility (ISF's) throughout its estate by consolidating nuclear waste at sites with existing storage capacity. This is intended to minimise potential impacts on safety, the environment and greatly reduce the cost to the taxpayer. As part of this, Magnox now wishes to place skips from three donor sites at its Hinkley Point 'A' site, where they will be packaged into Concrete Box containers for interim storage until a U.K. Geological Disposal Facility (GDF) is built in the longer term. HPA currently only has planning permission to store its own nuclear waste and so Magnox have made planning applications to vary the existing consents to allow the importation of these waste skips.

Somerset County Council is the Waste Planning Authority for Somerset, responsible for determining planning applications for radioactive waste management in Somerset. Somerset West and Taunton Council is a consultee in this process.

### 2. The Applications.

Magnox have made two applications seeking variations to conditions in order to 1) allow the importation of size-reduced Intermediate Level Waste (ILW) skips from their Oldbury, Sizewell 'A' and Dungeness 'A' sites to Hinkley Point 'A', for storage at the on-site Interim Storage Facility; and 2) to allow this to be processed at the on-site Waste Encapsulation Plant. The relevant existing permissions are as follows –

Facility	Relevant conditions
Ref: 3/32/16/018 (ISF)	"3. Waste Storage

	<p><i>(1) No radioactive waste shall be imported to the site from outside the Hinkley Point 'A' site.</i></p> <p><i>(2) Only waste classified as 'Low' and 'Intermediate Level Waste, shall be stored in the facility hereby approved'.</i></p>
<p><b>Ref: 3/32/17/005 (Encapsulation Plant)</b></p>	<p><b>"3. Waste Encapsulation</b></p> <p><i>No radioactive waste to be encapsulated within the development hereby permitted shall be imported to the site from outside the Hinkley Point 'A' site".</i></p>

Neither application involves amendments to the design or operation of the approved encapsulation plant or ISF. No other operational development is required as part of the importation proposals. Both applications are stated as being 'interim' because of the longer term aspirations for Geological Disposal, deep underground. This however could be many decades away.

It is estimated that the two applications between them would allow for the following -

- approx. 50 skips would be imported from Dungeness 'A' site;
- approx. 35 skips would be imported from Sizewell 'A' site; and
- approx. 25 skips would be imported from Oldbury site.

The skips would be size reduced and placed into around 90 'baskets', to be transported to and stored at HPA. The baskets would be loaded into Concrete Boxes and, transferred to the encapsulation plant for grout infill and final lidding. They would then be placed in the approved ISF. It is anticipated that around 22 Concrete Boxes would be generated, giving rise to 14 container deliveries (H.G.V.'s) in total. In terms of scale, it is noted that the ISF at HPA has capacity for nearly 400 Concrete Boxes.

The total amount of new storage required would amount to approximately 6% of Hinkley A's Interim Storage Facility's total capacity (expressed in terms of concrete boxes), and would be less than 1% of the total level of radioactivity in the store. HPA will be physically ready to receive this additional waste by the end of 2019 and if planning permission is granted, it is anticipated that the movement of ILW skips to HPA would be likely to take place during the spring of 2020.

The proposal will employ up to 100 people on site, being a mixture of existing personnel and new jobs. This is an important consideration for the economy of West Somerset. The applicant is not offering any specifically targeted benefits to the community as a result of these proposals.

### **3. Members' consideration.**

Members are asked to consider how they would wish Somerset West and Taunton to formally respond to the consultation on the two planning application proposals. It is expected that there will just be one response covering both applications. A technical paper has been prepared which considers the matter in relation to planning considerations only and this is attached as appendix 1. This is for Members information and need not form part of the Council's response.

The Specialist (Planning) case officer would be grateful for guidance from Members on how best to respond to the consultation on these two planning applications.

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## Appendix 1.

### The planning merits of the two proposals.

#### 1. Planning policy

The NPPF says relatively little on waste policy, but does direct decision makers to the National Waste Management Plan for England. However, it is noted that radioactive waste is outside of the scope of the Waste Framework Directive (as revised).

The national strategy for the management of radioactive waste is prepared and issued by the Nuclear Decommissioning Authority (NDA). The Energy Act 2004 requires that the NDA Strategy is reviewed and republished at least every five years. UK Government and the Scottish Ministers approved the current Strategy (NDA Strategy III) in March 2016 and it came into effect in April 2016. This strategy states:

- “Diverse radioactive waste management and disposal solutions will be pursued where these offer benefits over previous arrangements. Where appropriate we will continue to investigate opportunities to share waste management infrastructure across the estate...”;
- “...we will pursue diverse radioactive waste management and disposal solutions where they offer benefits over previous arrangements. For instance, we continue to investigate opportunities to share waste management infrastructure across the estate...”;
- “Diverse radioactive waste management and disposal solutions are being pursued where these offer benefits over previous arrangements. We continue to investigate opportunities to share waste management infrastructure across the estate...where we can see benefit...”; and
- “Where appropriate, [we will] provide leadership giving greater integration across the estate and the supply chain, in particular by seeking opportunities to share treatment and interim storage assets, capabilities and learning”.

By implication, this strategy has been approved by the U.K. Government and so sets a clear policy guidance.

Locally, the Development Plan includes the Somerset Waste Core Strategy (February 2013) and the West Somerset Local Plan to 2032 (adopted November 2016). The Somerset Waste Core Strategy guides the County’s approach to planning for sustainable waste management until 2028. The relevant policies are as follows -

SD1: Presumption in favour of sustainable development  
DM3: Impacts on the environment and local communities  
DM6: Waste transport

## DM9: Radioactive waste treatment and storage

The County Council has recently changed its strategy to allow for importation and so now there is no conflict between the two current applications and its adopted policy on waste storage. Policy DM9 (Radioactive waste treatment and storage) of the County Council's adopted Waste Core Strategy Development Plan Document up to 2028 (February 2013), states that - "Planning permission for the treatment and/or interim storage of radioactive waste at Hinkley Point will be granted within the licensed area subject to the applicant demonstrating that the proposed development:

- is consistent with national strategy for radioactive waste management; and
- includes adequate measures to mitigate adverse impacts on the environment and local community or, as a last resort, proportionately compensate for or offset such impacts; and
- is supported by robust economic and environmental assessments.

This is a material consideration as the Waste Core Strategy Development Plan is adopted and also forms part of the evidence base for the two current Local Plans adopted by the former Taunton Deane Borough and West Somerset Councils. Any decision on the current proposal must therefore be in accordance with the document and its policies unless there are over-riding reasons for it not to.

The latest Nuclear Decommissioning Authority (NDA) Strategy promotes opportunities for sharing management infrastructure including interim storage assets, where there is benefit in doing so. The proposals are clearly consistent with this objective (bullet point 1 above). In terms of the second criterion of Policy DM9, the potential for adverse impacts upon the environment and local community is minimal, being limited to a small and temporary increase in HGV traffic. This increase in HGV traffic is shown in the submitted Transport Statement to have no significant impact on the operation or safety of the highways (subject to the views of the Highway Authority). From an economic perspective (3rd point in DM9), the use of HPA facilities for the management of its own on-site waste and for the imported ILW skips is the most cost effective solution available. It will also provide a limited number of new jobs in the local community (number not verified). Therefore the two current planning applications meet the terms of policy DM9.

The adopted West Somerset Local Plan has nothing to say about the storage of nuclear waste. The most relevant policies are –

SD1: Presumption in favour of sustainable development

EN1: Mitigation of impact of Hinkley Point nuclear proposals

NH10: Development in proximity to Hinkley Point nuclear power station

Policy SD1 of the West Somerset Local Plan makes clear that –

“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the decision maker will grant permission unless material considerations indicate otherwise”

Policy EN1 relates to mitigation of impacts arising from the development of a new nuclear power station at Hinkley Point, and so is clearly only referring to HPC. There is in fact no reference to HPA within the Local Plan.

Policy NH10 concerns itself with new development within the nuclear consultation zones. This is not strictly a relevant consideration with these two current planning applications as the proposals are not for new build, nor even a change of use, but for the storage of already approved nuclear waste, merely from a different source.

Both the Waste Core Strategy Development Plan and the West Somerset Local Plan refer to the need for all proposals to meet the test of sustainability. It could be argued that transporting ILW across the country is not very sustainable. However, the alternative would be to build very expensive storage facilities in situ at each nuclear power plant, all of which have a limited lifespan left. This is not sustainable either. The most sustainable solution would be the provision of a GDF and this will be used for such storage in the future. That is why these two current planning applications stress that the proposals are interim measures. However, this is many decades off and even then would still involve transportation by road, rail and/or sea. There needs to be a solution, however temporary, for current nuclear waste. Given all this, I think it would be difficult to argue that the two current proposals are not sustainable and so should be refused in line with the Waste Core Strategy Development Plan and the West Somerset Local Plan. In fact the Waste Core Strategy supports the proposal (policy DM9) for storage of nuclear waste and the West Somerset Local Plan is silent on the issue.

## 2. Environmental considerations.

The two relevant Development Plan documents have little to say on the environmental impacts of proposals for nuclear waste storage. The Waste Core Strategy does state that proposed development must not generate

- “a) significant adverse impacts from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;
- b) significant adverse impacts on a public right of way or visual amenity; and
- c) unacceptable cumulative impacts.

However, it must be remembered that the storage facility itself has already obtained planning permission for this proposed use and the facility already exists (nearly completed). So the considerations of DM3 have already been met. This proposal would use space already allocated for the purpose and so

will not cause any additional harm. The only possible additional harm could be considered to be the transportation of the product by road. This is discussed below.

The West Somerset Local Plan has no environmental policy that is relevant to a scheme like this, outside of existing settlements, in a non-designated area. OC1 deals with development in open countryside locations, but is not intended to make comment on an application like this where the building has already gained planning permission and its use is not changing or intensifying.

Robust economic and environmental assessments including those required under Habitat Regulations, are required to accompany any application associated with radioactive waste management at Hinkley Point due to the scale of the development associated with new nuclear build and the special requirements for radioactive waste management. The County has conducted a full Environmental Impact Assessment of the current proposal (pre-application) and concluded that the proposal was not EIA development and so did not require an Environmental Statement under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

It is not therefore considered that the proposal would give rise to any additional on site or neighbouring environmental concerns over and above those already approved by the previous/existing planning consents.

### 3. Highways considerations.

Highways have also been consulted and so will respond under separate cover. However, it is noted that the submitted Transport statement considers that the traffic impacts that will arise as a result of these proposals, cannot be considered to be severe. "Severe" is the category that could indicate refusal on highways grounds. Also, the Transport Statement concludes that the proposals are unlikely to exacerbate the frequency or severity of conditions on the public highway network. Finally, the Transport Statement concludes that the proposals would make no material change to the operation of highway links between the M5 and HPA site.

Policy DM6 (waste transport) of the County's Waste Core Strategy concerns the transport impacts of waste development and requires applicants to demonstrate that there will be no detrimental impact on the highway network, that suitable access is deliverable, and that alternatives to road transport have been explored. The Transport Statement does demonstrate that the impacts of the proposals on highway operation are safe and acceptable.

The County should be asked to consider the possibility of ensuring that the proposed movement of the nuclear waste is made by sea/water. It is noted that all 3 donor sites have good access to the coast/River Severn and so this would be possible. It would be likely to be more sustainable, would present

less hazard to land based communities, would not cause any traffic congestion and would result in less movements. However, it is appreciated that the two current proposals must be considered on their own merits and that alternatives cannot be imposed. However, if this is not taken on board by the County, then they should be urged to consider the possibility of night road movements, which could be achieved via a suitably worded condition.

#### 4. Mitigation of adverse impacts.

It is noted that the skips to be transported are highly sensitive in environmental terms, given that they will be transported through numerous communities and have the potential to cause significant harm to both the environment and the communities that are located on the transportation routes and near to HPA. Whilst this issue should not be downplayed in any respect, it is a fact that the management, safety and security of the ILW during transportation does not fall to the Waste Planning Authority. This responsibility instead falls to the Office for Nuclear Regulation (ONR). Therefore any fears in relation to the transportation will be covered by other legislation and other bodies and will be, therefore, outside of the scope of reasonable planning considerations. Nevertheless, the County should remind the applicant of the importance of seeking agreement for any road based movement from the ONR.

#### 5. Timelines and the definition of interim.

Planning consents already allow the storage of intermediate level waste at Hinkley Point A pending its long term disposal at a suitable radioactive waste geological repository. However the concern must be whether any on-site storage would in reality be in perpetuity. The Government are still consulting on a GDF and developing its policies in this regard, although a National Policy Statement was released on 4th July. The implementation of a GDF will however inevitably be decades, away and so interim in this case must be defined as meaning many tens of years. My estimation is that we are probably looking at a period between 50 and 70 years before an appropriate GDF will be up and running in the UK. However, the intended timeline for storage at HPA cannot be a planning reason for refusal. If the proposal is otherwise acceptable on all of the acknowledged considerations, and remember that the storage of nuclear waste was found to be acceptable when the previous planning applications were considered, then the length of time for that storage cannot be an issue – unless there is any understanding that the presence of the nuclear waste would cause new problems in time which it does not now. That is not considered to be the case.

#### 6. Community benefits.

The Applicant firmly believes that the amount of ILW proposed to be imported is so small (compared to the overall storage capacity at HPA) that it does not require or warrant any form of community benefit. The proposal will create some jobs for the local economy and this is considered by the applicant to be sufficient to discharge responsibilities in this regard. The Nuclear Decommissioning Authority (NDA) who now own the site (Magnox formally becoming a subsidiary of the NDA as from September ), is quite clear that they will not be offering any specifically targeted benefits to the community on schemes for sharing waste storage around the country. The NDA's view is that their strategy for moving waste around the country to appropriate facilities was considered and approved by the Government in 2011 (as part of their approved Strategy) and it did not indicate that host communities would receive any compensation or direct benefits as a result. It is their view that this policy is a benefit to the UK taxpayer because if they did not place waste at existing storage facilities they would have to build many new such facilities at other nuclear stations and the cost of this would be entirely uneconomic and at the taxpayers' expense. There is merit in all of this.

The lack of any indirect community benefits cannot be a reason for refusal. Based on a pragmatic view of the situation, it is recommended that Somerset West and Taunton Council should ask the County to try and negotiate some benefits for the local communities that would be affected by these proposals, but it is fully understood that the Planning Authority cannot recommend refusal or negotiations on the basis of a lack of benefits.

#### 7. Other relevant planning considerations.

It is worth noting that similar proposals for the storage of ILW packages from the same three donor sites as we are now considering, have already received planning permission for storage at the Bradwell nuclear power station in Essex. These current proposals for HPA are not therefore unique or groundbreaking. The principle of such a scheme has already been accepted by another Local Authority.

#### 8. Conclusions.

On all of the relevant technical considerations, there are no issues of acknowledged importance that indicate that the proposal should be refused. The proposals seek to make use of assets at HPA which have planning permission and are required to handle HPA's own ILW. These proposals are part of a wider programme of integrated waste management within Magnox and the wider NDA estate, and represent a strategy for the efficient and effective use of existing / planned facilities. There is not an identifiable breach of adopted policy at either national or local level. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission which are in accordance with the development plan

should be granted permission unless material considerations indicate otherwise. There are no identified additional environmental problems that would arise from this proposal, other than a minor increase in HGV traffic in the area. Finally, there will not be any impacts on Somerset West and Taunton Council's current corporate strategy and there will not be any impacts on any land use planning implications within the Council's jurisdiction.

However, these proposals, if granted, should be tightly controlled. The Applicant has gone to great lengths to state a set number of skips, concrete boxes and lorry movements that would be associated with this proposal. The applicant has categorically assured me that this was all they needed and the figures would not be exceeded. However, if the permission is granted without any reference to the upper limit of storage and lorry movements, then there would be no legal basis for preventing further such storage and movements in excess of the application's stated maximum. Circumstances could alter in the future such that the NDA did want to use further storage facilities at HPA. In order to prevent HPA becoming a 'dump' for other sites' waste, the County Council should be strongly urged to cap the amount of storage allowed by any approval in accordance with the stated intentions of the application, via an appropriately worded condition. This would give the County Council control over future storage in exceedance of what is stated as currently being required. In other words, if the applicants wished to exceed the limit referred to in any condition, then they would need to apply for planning permission again. Such an application would be considered on its own merits and Somerset West and Taunton Council would need to be consulted again. This does give control over future proposals.

Somerset West and Taunton Council should also requests that the County tries to negotiate a package of benefits, however small, to be made to the communities that would be directly affected by these proposals.

End.