

Environment Agencies Consultation on Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (GRR Consultation)

The Highland Council's response

Introductory and General Comments

The Highland Council welcomes the opportunity to comment on the draft Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (GRR Consultation). We have considerable experience gained through involvement in the planning for and regulation of the decommissioning, restoration and after-use of the Dounreay site.

The GRR Consultation period formally closed on 9th May 2016. The Highland Council is grateful for being granted an extension to 20th May 2016 to enable it to submit this response, which has been prepared by officers in the Council's Development Planning, Development Management and Contaminated Land teams. Please note that given the timeframe within which the response has been prepared, the response has not been considered by the Council's elected members. It may be noted however that it has been informed by the Council's position as published in Dounreay Planning Framework 2 (which was statutorily adopted by Committee), established regulatory processes and the experience of professional officers.

The Dounreay Planning Framework (DPF) was approved in January 2006 and a revised version, DPF2, was adopted as Supplementary Guidance in April 2015. DPF2 is available on our website at:

http://www.highland.gov.uk/download/downloads/id/13037/dounreay_planning_framework_2_2015.pdf

DPF2 makes the following points:

- The Council's vision for the end use of the Dounreay Site is to see it as far as practicable redeveloped for employment uses, with potential opportunities being the offshore renewables sector (wind, wave, tidal) and the expansion of oil and gas fields to the west of the Shetland Islands.
- The Council expects that the interim end state will be land decontaminated to a point where it is possible to identify, and optimise the amount of, land suitable and available for reuse as an industrial/business site and that this may include the removal of plinths and that some recontouring and landscaping is anticipated.
- There may also be opportunities for development/land use activities beyond the boundary of the licensed area on associated land.
- Notwithstanding that the current programme, governed by contract, includes the demolition of all redundant buildings, the Council is openminded to considering proposals for retention and re-use of existing infrastructure and facilities for new uses in support of economic regeneration where that is compatible with the

Dounreay Stakeholder Group's recommendations for the site end state and environmental regulation.

- Any future changes to land use will need to be compatible with any ongoing environmental and/or nuclear regulatory requirements and this may limit changes to land use, but does not necessarily preclude some land use change. We acknowledge that radioactive waste is a devolved matter for the Scottish Government and that any waste stores required at the site end state will remain on a nuclear licensed area. There may be scope in the future for the extent of land at Dounreay covered by environmental regulations to be reduced. This would require relevant permits to be revoked, which generally can be considered where the regulator is satisfied that the relevant regulation is no longer required. This could free some areas for early consideration of change to use whilst leaving other parts regulated.
- The Council expects the Dounreay site to be remediated to a level that is suitable for its future use, rather than only to a level that avoids action by the regulator. This may on some parts of the site require significant excavation and treatment. In dealing with any planning proposals for development (including change of use), the Council will take into consideration the risks associated with contamination, having regard to PAN33. The Council will seek the advice of SEPA on such matters as appropriate and early dialogue between the site operator/developer, SEPA and the Council on intentions for projects is encouraged.
- Where significant non-radiological contamination is identified, the Council will require a remediation strategy to be prepared and implemented to a standard where the land is fit for the intended future use. The remediation strategy should adhere to PAN33 and the remediation works should address unacceptable risks to human health and the wider environment, including the water environment. Radiologically clean, exempt and excluded wastes have the potential to be recycled and reused on or off the site as construction and screening materials. The Council requires the site operator to operate the site in accordance with the waste hierarchy; that is reduce, re-use, recycle.
- Some parts of the Dounreay site contain radioactive contamination; in certain areas the appropriate approach may be to allow this to decay naturally beyond the interim end state, capped where necessary, requiring access to these areas to be controlled for up to 300 years. However, the Council expects progressive remediation of the site as decommissioning progresses and for areas of radioactive contamination to be reduced and rationalised in the interests of optimising the amount of land that can be accessed and re-used, for industrial, business or other approved uses during the Interim End State and for unrestricted use post Final End Point.
- Such an approach may enable part(s) of the site to be made available for re-use in the short to medium term. Additionally there may be potential for land adjacent to the Dounreay Site to be made available for employment uses in the short term.
- The Council will continue to review potential options for the re-use of the Dounreay site with the site owner, regulators, the local public and stakeholder groups.

Consultation questions

Question 1.**Response**

Once the site licence has been surrendered the site may be regulated by the local authority under the contaminated land regime. It would therefore be prudent for the surrender of the licence under the Radioactive Substances Regulations to consider the regulatory requirements of Part IIA of the Environmental Protection Act 1990.

This would be particularly important should a change of use be contemplated once the site licence is surrendered. The optimisation principle does not require specified national standards for non-radiological hazards to be applied, but asks for non-radiological hazards such as chemical toxicity to be taken into account when managing radioactive substances. In this respect it is unlikely that the provision of data within the site wide environmental safety case (SWESC) will be sufficient to demonstrate the site's suitability for a change of use.

The operator should engage with the planning authority, with a view to developing a site-wide environmental safety case (SWESC) that could satisfy any concerns over residual liability under Part IIA and to reduce the likelihood of retrospective works resulting in unnecessary costs or protracted discussion if a change of use were considered.

Question 2.**Response**

Please see our Introductory and General Comments and our responses to Consultations Questions 1 and 3.

Question 3.

[NB: this question should refer to paragraphs 5.3.66 to 5.3.84 (i.e. not 8.3.66 to 8.3.84).]

Response

The Draft Guidance sets out a requirement for optimisation of the management of radioactive waste and contamination on a site, with the stated intention being to ensure that exposures to people are kept as low as reasonably achievable. The Draft Guidance states that this may not necessarily lead to all radioactivity being removed from a site.

DPF2 also refers to optimisation. However, in DPF2 it is about the Council's expectation for progressive remediation of the Dounreay site as decommissioning progresses and for areas of radioactive contamination to be reduced and rationalised in the interests of optimising the amount of land that can be accessed and re-used, for industrial, business or other approved uses during the Interim End State and for unrestricted use post Final End Point.

Whilst in broad terms these two approaches are dealing with the same matter and need not necessarily be mutually exclusive, the outcomes of following one could be quite different from the outcomes of following the other.

- We feel that the Council's approach in DPF2 is more likely to drive remediation and to achieve more, effective land available for re-use (with appropriate regulation where necessary to provide comfort that appropriate exposure levels will be complied with).
- We are concerned that the approach taken by the Draft Guidance, on the other hand, may promote proposals that fall short on remediation and potential for re-use and that garner approval on the basis that keeping exposure levels low (a very important priority that we do not disagree with) may be achieved by limiting remediation and instead where necessary restricting use. The Draft Guidance essentially classifies anything that is left in situ as waste under the waste directive; however, rather than excavate and dispose elsewhere it will enable a case to be made for disposal in-situ. The Draft Guidance further promotes that approach by suggesting that regulation could be lifted despite use still being restricted.
- The Council agrees with the broad principle of proportionate regulation, including cutting out unnecessary regulation. However, it is important to be aware of potentially adverse (and possibly unintended) consequences of specific proposals for doing so.
- Bearing in mind that many of the sites to which the Draft Guidance is intended to apply are large and complex, such as Dounreay, we feel therefore that the approach in DPF2 is more likely to promote a strategy for rationalising sites whereas the approach in the Draft Guidance is at risk of leaving a complex pattern of smaller parcels of land in various states, which in itself would limit the effectiveness of the site overall for reuse. The approach outlined in DPF2 is more likely to result in the realisation of greater value from assets.

Question 4.

Response

Please see our Introductory and General Comments and our responses to Consultations Questions 1 and 3.

Question 5.**Response**

Please see our Introductory and General Comments and our responses to Consultations Questions 1 and 3.

Submitted to GRR_Consultation@sepa.org.uk on 19 May 2016 by David Cowie, Principal Planner (Development Plans), The Highland Council