

SYLWADAU NMC290 COMMENTS

CEFNOGI / SUPPORT



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Defnydd swyddfa yn unig/ Office use only

Rhif Cyn./Rep No.:

Derbyniwyd/Received:

Cydnabod/Acknowledged

Cynllun Datblygu Lleol ar y Cyd Ynys Môn a Gwynedd 2011-2026
FFURFLEN SYLWADAU I NEWIDIADAU MATERION SY'N CODI/
Anglesey and Gwynedd Joint Local Development Plan 2011-2026
MATTERS ARISING CHANGES COMMENTS FORM
26/1/17.

Mae'r Cynghorau yn ymgynghori ar nifer o Newidiadau Materion sy'n Codi o ganlyniad i Sesiynau Gwrandawriad o Archwiliad Cynllun Datblygu Lleol ar y Cyd Gwynedd a Môn. Mae'r newidiadau hyn wedi eu rhoi yn y ddogfen ymgynghori: 'Cofrestr Newidiadau Materion sy'n Codi' (Ionawr 2017).

Sylwer bod RHAID i sylwadau ymwneud â'r Newidiadau Materion sy'n Codi yn unig, ac nid am agweddau eraill o'r Cynllun Datblygu Lleol ar y Cyd. Mae'r sylwadau a wnaethpwyd yn ystod y cyfnod Adnau, ynghyd â'r Newidiadau â Ffocws, eisoes wedi cael eu cyflwyno i'r Arolygydd ac felly dim ond ar gyfer gwneud sylwadau am y Newidiadau Materion sy'n Codi dylid defnyddio'r ffurflen hon. Bydd pob sylw arall yn cael eu hanwybyddu.

Dylid defnyddio'r ffurflen hon ar gyfer yr holl sylwadau (h.y. sylwadau neu wrthwynebiadau). Mae fersiynau electronig ar gael ar www.gwynedd.llyw.cymru/cdll neu www.ynysmon.gov.uk/cdll. Os ydych yn cyflwyno copi papur, dylech atodi tudalennau ychwanegol lle bod angen, gan nodi rhif y dudalen yn glir. **Dylech lenwi ffurflenni ar wahân ar gyfer pob sylw** yr hoffech ei wneud.

Mae'n rhaid derbyn eich sylwadau ddim hwyrach na hanner nos ar y 9 Mawrth 2017. NI FYDD SYLWADAU A DDERBYNNIR AR ÔL Y DYDDIAD YMA YN CAEL EU HYSTYRIED

Dychwelwch y ffurflenni i: **Uned Polisi Cynllunio ar y Cyd, Llawr 1af Swyddfa Cyngor Dinas Bangor, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT** neu polisicynllunio@gwynedd.llyw.cymru

Diogelu Data - Bydd yr holl sylwadau ar gael i'w harchwilio gan y cyhoedd ac ni ellir eu hystyried yn gyfrinachol. Serch hynny, i sicrhau diogelwch data bydd manylion personol yn cael eu tynnu allan o'r dogfennau fydd ar gael yn gyhoeddus.

Mae'n bosib derbyn ffurflenni sylwadau ychwanegol gan yr Uned Polisi Cynllunio ar y Cyd drwy ffonio 01286 685003/ 679668 neu gellir eu llawr lwytho o wefan y Cyngor yn: www.gwynedd.llyw.cymru/cdll neu www.ynysmon.gov.uk/cdll neu gallwch lungopio'r ffurflen hon.

The Councils are consulting on a number of Matters Arising Changes as a result of the Hearing Sessions from the Examination of the Anglesey and Gwynedd Joint Local Development Plan. These changes are set out in the consultation document: 'Schedule of Matters Arising Changes (January 2017).

Please note that representations MUST relate only to the Matters Arising Changes, and not to other aspects of the Joint Local Development Plan. All comments made at the Deposit stage, together with the Focus Changes, have already been submitted to the Inspector, therefore this form can only be used to comment on the Matters Arising Changes. All other representations will be disregarded.

This form should be used for all representations (i.e. comments or objections). Electronic versions are available at www.gwynedd.llyw.cymru/ldp or www.anglesey.gov.uk/ldp. If you are submitting a paper copy, attach additional sheets as necessary, clearly numbering each consecutive sheet. **Separate forms should be completed for each comment** that you wish to make.

Your representations must be received by no later than midnight on the 9 March 2017. REPRESENTATIONS RECEIVED AFTER THIS TIME WILL NOT BE CONSIDERED

Please return forms to: **Joint Planning Policy Unit, 1st Floor Bangor City Council Offices, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT** or planningpolicy@gwynedd.llyw.cymru

Data Protection – All representations will be made available for public inspection and cannot be treated as confidential. However to ensure data protection personal details from publically accessible documents will be removed.

Additional representation forms can be obtained from the Joint Planning Policy Unit on 01286 685003/ 679668 or may be downloaded from the Council's web site at: www.gwynedd.llyw.cymru/ldp or www.anglesey.gov.uk/ldp or you may photocopy this form.

| | | |
|---|--|--|
| RHAN 1/PART 1: Manylion cyswllt : Contact details: | | |
| | Eich manylion neu manylion eich cleient <i>Your details or your client's details</i> | Manylion yr Asiant (os yn berthnasol) <i>Agent's details (If relevant)</i> |
| Enw <i>Name</i> | | Mr Ben Lewis |
| Sefydliad (os yn berthnasol) <i>Organisation (If relevant)</i> | The Nuclear Decommissioning Authority and Magnox Limited | GVA |
| Cyfeiriad <i>Address</i> | c/o agent | [REDACTED] |
| Côd Post <i>Postcode</i> | | [REDACTED] |
| Ffôn <i>Tel:</i> | | [REDACTED] |
| E-bost <i>Email:</i> | | [REDACTED] |
| Llofnodwyd <i>Signed</i> | [REDACTED] | |
| Dyddiad <i>Date</i> | 09.03.2017 | |

Rhowch eich sylwadau yn Rhan 2 y ffurflen hon. *Please set out your comments in Part 2 of this form. Use Defnyddiwch dudalennau ychwanegol os oes angen, gan additional sheets of paper where necessary, clearly nodi rhif y dudalen yn glir. numbering each consecutive sheet.*

Dylech lenwi ffurflenni ar wahân ar gyfer pob sylw yr hoffech ei wneud. *Separate forms should be completed for each comment that you wish to make.*

Os yw grŵp yn rhannu barn gyffredin ynghylch Newid Materion sy'n Codi, bydd y Cynghorau'n derbyn deiseb wedi'i llofnodi. *Where a group shares a common view on Matters Arising Changes, the Councils will accept a signed petition. In submitting a representation form on behalf of a group, the representation form should include the contact details of a lead individual at Part 1 and the comments should be clearly set out on the representation form. The signed petition should state clearly how many people are being represented and how the representation has been authorised. Signing a petition does not prevent the submission of individual forms.*

Wrth gyflwyno ffurflen sylwadau ar ran grŵp, dylai'r ffurflen sylwadau gynnwys manylion cyswllt unigolyn arweiniol yn Rhan 1 a dylid nodi'r sylwadau'n glir ar y ffurflen sylwadau. Dylai'r ddeiseb sydd wedi'i llofnodi nodi'n glir faint o bobl sy'n cael eu cynrychioli a sut mae'r sylwadau wedi'u hawdurdodi. Nid yw llofnodi deiseb yn atal neb rhag cyflwyno ffurflenni unigol.



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Defnydd swyddfa yn unig/ Office use only

Rhif Cyn./Rep No.:

Derbyniwyd/Received:

Cydnabod/Acknowledged

**Cynllun Datblygu Lleol ar y Cyd Ynys Môn a Gwynedd 2011-2026
FFURFLEN SYLWADAU NEWIDIADAU MATERION SY’N CODI /
Anglesey and Gwynedd Joint Local Development Plan 2011-2026
MATTERS ARISING CHANGES COMMENTS FORM
26/1/17**

RHAN 2: Eich Sylwadau a Newidiadau a

Awgrymir PART 2: Your Comments and Suggested Changes Eich enw/Sefydliad:

Your name/Organisation: Mr Ben Lewis / GVA

1. Ar ba un o’r Newidiadau Materion sy’n Codi yr ydych chi’n gwneud sylwadau? (Cofiwch ddefnyddio un ffurflen ar gyfer pob sylw)

1. Which of the Matters Arising Changes are you commenting on? (Remember to use one form for each representation)

| Rhif y Newid Materion sy’n Codi (NMC) <i>Matters Arising Change Number (NMC)</i> | NMC 141, NMC 290, NMC 294, NMC 295, NMC 296. | Cefnogi/ <i>Support</i> | NMC 141, NMC 296. | Gwrthwynebu/ <i>Object</i> | NMC 290, NMC 294. NMC 295. |
|---|--|----------------------------|----------------------|-------------------------------|----------------------------------|
| | | | | | |

2. Cyn i chi esbonio eich sylwadau’n fanwl, byddai’n dda gwybod os ydych yn credu fod y Cynllun yn gadarn ai pheidio, o ganlyniad i’r Newidiadau Materion sy’n Codi, neu a ydych o’r farn bod rhannau ohono neu bob rhan ohono ddim yn gadarn a bod angen ei newid.

I gael rhagor o wybodaeth am gadernid a gofynion gweithdrefnol, gweler y nodiadau cyfarwyddyd. Os ydych yn ansicr, gadewch y rhan yma yn wag.

2. Before you set out your comments in detail, it would be helpful to know whether you think that, as a result of the Matters Arising Changes, the Plan is sound or that all or parts of it are unsound.

For more information on soundness and procedural requirements, see the guidance notes. If you are unsure, leave this section blank.

| | | | |
|----------------------|--|---|---|
| Cadarn/ <i>Sound</i> | | Dim yn gadarn a dylid ei newid <i>/Unsound and should be changed</i> | X |
|----------------------|--|---|---|

3. Rhowch eich sylwadau isod gan ddefnyddio tudalennau ychwanegol fel bo angen. Dylech roi eich sylwadau chi'n llawn. Bydd hynny'n helpu'r Awdurdod a'r Arolygydd i ddeall y materion y byddwch yn eu codi. Ni fyddwch chi'n cael cyflwyno rhagor o wybodaeth gerbron yr Archwiliad oni fydd yr Arolygydd yn eich gwahodd chi i egluro unrhyw faterion y bydd yn godi. Rhowch wybod os ydych chi'n cyflwyno deunyddiau eraill i ategu eich sylwadau.

3. Please set out your comments below using additional sheets as necessary. Your comments should be set out in full. This will help the Authority and the Inspector to understand the issues you raise. You will only be able to submit further information to the Examination if the Inspector invites you to address matters that he may raise. Please indicate if you are submitting other material to support your comments.

Please see accompanying representation letter.

4. Os yw eich sylw yn 3 yn fwy na 100 o eiriau, darparwch grynodeb os gwelwch yn dda (dim mwy na 100 o eiriau).

4. If your response to 3 above exceeds 100 words, please provide a summary (no more than 100 words).

Please see accompanying representation letter.

RHAN 3: Beth sy'n digwydd nesaf**PART 3: What happens next?**

Bydd pob un o'r sylwadau a dderbyniwyd o fewn y cyfnod ymgynghori yn cael eu hanfon ymlaen yn syth i'r Arolygydd. Rhag ofn bydd yr Arolygydd yn penderfynu dylid cynnal sesiynau gwrandawriad pellach mae angen i chi nodi isod os ydych yn dymuno ymddangos gerbron yr Arolygydd a siarad mewn 'sesiwn gwrandawriad'. Serch hynny, mae'n bwysig nodi y bydd yr Arolygydd yn rhoi'r un pwysau i'r sylwadau ysgrifenedig yr ydych chi wedi eu cyflwyno ar y ffurflen hon â'r rheiny a wneir ar lafar mewn sesiwn gwrandawriad.

All comments received by the closing date will be forwarded directly to the Inspector for consideration. Just in case the Inspector decides that further hearing sessions are necessary please indicate whether you would want to speak at a session. It is important to note that written comments will be given the same weight by the Inspector as those made verbally at a hearing session.

5. A ydych am i'ch sylwadau gael eu hystyried fel 'sylwadau ysgrifenedig' neu a hoffech siarad mewn sesiwn gwrandawriad yn yr Archwiliad Cyhoeddus? (Ticiwch un o'r isod)

5. Do you want your comments to be considered by 'written representations' or do you want to speak at a hearing session of the Public Examination? (Please tick one of the following)

Nid wyf am siarad mewn sesiwn gwrandawriad ac rwyf yn fodlon i'm sylwadau ysgrifenedig gael eu hystyried gan yr Arolygydd.

I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

X

Should the Inspector require us to appear at a Hearing, please contact GVA.

Hoffwn siarad mewn sesiwn gwrandawriad.

I want to speak at a hearing session.

6. Os hoffech siarad, cadarnhewch pam rydych yn ystyried ei bod hi'n angenrheidiol i chi siarad yn y Gwrandawriad.

6. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing.

N/A

7. Os ydych am siarad, byddai'n ddefnyddiol pe gallech nodi ym mha iaith hoffech chi gael eich clywed? (Ticiwch un o'r isod)

7. If you wish to speak, it would be helpful if you could indicate in which language you would like to be heard. (Please tick one of the following boxes)

Hoffwn i gael fy nghlywed yn Gymraeg

I wish to be heard in Welsh

| | |
|--|--|
| Hoffwn i gael fy nghlywed yn Saesneg <i>I wish to be heard in English</i> | |
|--|--|

DIOLCH AM EICH SYLWADAU / THANK YOU FOR YOUR COMMENTS

| Nodiadau cyfarwyddyd | Guidance notes |
|--|--|
| <p>Mae Cynllun Datblygu Lleol ar y Cyd Gwynedd a Môn yn cael ei archwilio ar hyn o bryd gan Arolygwyr annibynnol a benodwyd gan Lywodraeth Cymru. Gwaith yr Arolygwyr yw ystyried a yw'r Cynllun yn bodloni gofynion gweithdrefnol ac a yw'n gadarn.</p> <p>Gellir ystyried 'Cadarn' yn y cyd-destun hwn o fewn ei ystyr arferol o 'dangos barnu da' a 'gellir ymddiried ynddo'. Y cwestiynau neu'r 'profion' y bydd yr Arolygydd yn eu hystyried wrth benderfynu a yw'r Cynllun yn gadarn yw:</p> <ol style="list-style-type: none"> 1. A yw'r cynllun yn ffitio? (h.y. a yw'n gyson â chynlluniau eraill?) 2. A yw'r cynllun yn briodol? (h.y. a yw'n briodol ar gyfer yr ardal yng ngoleuni'r dystiolaeth?) 3. A fydd y cynllun yn cyflawni? (h.y. a yw'n debygol o fod yn effeithiol?) <p>Darperir rhagor o wybodaeth am y profion cadernid a'r gofynion gweithdrefnol yn Arweiniad Gweithdrefnol ar Archwiliadau Cynllun Datblygu Lleol yr Arolygiaeth Gynllunio.</p> <p>Os ydych yn gwrthwynebu Newid Materion sy'n Codi, dylech ddweud pam nad yw'n gwneud y Cynllun yn gadarn a nodi pa newid y dylid ei wneud er mwyn sicrhau fod y Cynllun yn gadarn.</p> <p>Lle rydych yn cynnig diwygiad i'r Newidiadau Materion sy'n Codi byddai'n ddefnyddiol egluro pa brawf (profion) cadernid rydych yn credu ei fod yn methu. Fydd methu adnabod prawf ddim yn golygu na chaiff eich sylw ystyriaeth, cyn belled â'i fod yn ymwneud a'r Newid Materion sy'n Codi. Dylech gynnwys eich holl sylwadau ar y ffurflen, gan ddefnyddio dogfennau ychwanegol a thystiolaeth ategol lle bod angen.</p> | <p><i>The Joint Anglesey and Gwynedd Local Development Plan (LDP) is being examined by an independent Inspector appointed by the Welsh Government. It is the Inspector's job to consider whether the Plan meets procedural requirements and whether it is sound.</i></p> <p><i>'Sound' may be considered in this context within its ordinary meaning of 'showing good judgement' and 'able to be trusted'. The questions or 'tests' which the Inspector will consider in deciding whether the Plan is sound are:</i></p> <ol style="list-style-type: none"> 1. <i>Does the plan fit? (i.e. is it consistent with other plans?)</i> 2. <i>Is the plan appropriate? (i.e. is it appropriate for the area in the light of the evidence?)</i> 3. <i>Will the plan deliver? (i.e. is it likely to be effective?)</i> <p><i>More information on the soundness tests and procedural requirements is provided in the Planning Inspectorate's Local Development Plan Examinations Procedural Guidance.</i></p> <p><i>If you are objecting to a Matters Arising Changes, you should say why you think it makes the Plan unsound, and which change should be made to make the Plan sound.</i></p> <p><i>Where you propose an amendment to a Matters Arising Changes it would be helpful to make clear which test(s) of soundness you believe it fails. Failing to identify a test will not mean that your comment will not be considered, providing it relates to the Matters Arising Changes. You should include all your comments on the form, using accompanying documents and supporting evidence where necessary.</i></p> |
| | |

Our Ref: [REDACTED]

8th March 2017

Joint Planning Policy Unit
1st Floor Bangor City Council Offices
Ffordd Gwynedd
Bangor
LL57 1DT

Dear Sir / Madam,

Anglesey and Gwynedd Joint Local Development Plan,
Matters Arising Changes Consultation
Representation on behalf of the NDA and Magnox Limited

We are writing to you on behalf of the Nuclear Decommissioning Authority (the NDA) and Magnox Limited (Magnox), in respect of the current consultation on the Joint Local Development Plan (LDP), Matters Arising Changes. GVA is the appointed property advisor for the NDA and Magnox, providing planning advice across the NDA's UK-wide estate. We have made representations to various local plan and other consultations across the UK, affecting various NDA sites.

The NDA is the strategic authority responsible for managing the effective and efficient clean-up of the UK's nuclear legacy, which includes the Wylfa site. Land within the Nuclear Licensed Site (NLS) is subject to decommissioning of redundant facilities, radioactive waste management and, where necessary, the remediation of land. Magnox is the Site License Company (SLC) under contact to the NDA to carry out the decommissioning process.

GVA made representations on behalf of the NDA and Magnox to the consultation on the Focussed Changes to the LDP on 8th April 2016. Additional submissions were made to the Examination Programme Officer in August 2016 for the Inspector's consideration as part of the Examination Hearings. To assist with the Examination of the Plan, GVA engaged in dialogue with Gwynedd Council in September and October 2016 to discuss further changes to the LDP Policy to align with the submissions made. As part of this, GVA provided a briefing note setting out where similar policy provisions had been agreed to inform the Councils' evidence base in determining the required changes to LDP Policy GWA3.

The detail of the representation to the Matters Arising Changes Consultation is provided below. A 'Matters Arising Changes Comments Form' has been completed and is also provided under this submission.

GVA is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS.

Birmingham Bristol Cardiff Dublin
Edinburgh Glasgow Leeds Liverpool
London Manchester Newcastle

Response to the Matters Arising Changes Consultation

The NDA and Magnox would like to confirm their support for the following modifications, which are consistent with the representations made by GVA (on behalf of the NDA and Magnox):

- Matters Arising Change Reference NMC 141 – Modification to Strategic Policy PS9 (Wylfa Newydd and Related Development); and
- Matters Arising Change Reference NMC 296 – Modification to paragraph 7.5.59.

While the NDA and Magnox welcome the abovementioned changes to the LDP, they maintain their view that further minor changes are still required for the Plan to be considered sound. For ease of reference, we have addressed each of these amendments in turn below.

Policy GWA 3 (Radioactive Waste Management) – Matters Arising Change Reference NMC 294, and Policy GWA 1 (Provision of Waste Management and Recycling Infrastructure) – Matters Arising Change Reference NMC 290

It is noted that the Councils have proposed to remove the reference to radioactive waste “disposal” from Policy GWA 3. However paragraph 7.5.57 states “the national policy for handling such waste is to deal with them as far up the waste hierarchy as possible. **However, it is likely that some of this waste will need to be disposed of either on or adjacent to licensed nuclear sites** [our emphasis] or to landfill sites elsewhere”. Paragraph 7.5.59 goes on to state that “this policy provides for the implementation of such facilities within the confines of the Nuclear License Site”. The NDA and Magnox are concerned that exclusion of radioactive waste disposal from Policy GWA 3 fails to recognise that some waste may need to be disposed of at the existing Wylfa site, and this approach is supported by national policy and guidance¹.

In particular, the NDA and Magnox would like to draw the Council’s attention to the emerging policy² and regulatory guidance concerning site remediation and site end state (condition after final site clearance). The Environmental Regulators’ draft guidance³ will require Magnox (and other Nuclear Site Licence holders) to review the site-wide waste management approach to identify and deliver an optimised site end state. This may involve options for the in-situ disposal of existing sub-surface structures and the on-site disposal of any associated above ground portion, together with the approach to managing land contamination.

The proposed removal of the reference to radioactive waste ‘disposal’ from Policy GWA 3 could foreclose options for in-situ / on-site disposal of waste at the site, which would contravene the abovementioned national strategies and policies for radioactive waste management and disposal. In light of this, the NDA and Magnox request that the reference to radioactive waste ‘disposal’ in Policy GWA3 is retained.

¹ For further information see:

- NDA Strategy effective from April 2016 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512836/Nuclear_Decommissioning_Authority_Strategy_effective_from_April_2016.pdf) and
- Magnox Limited – Integrated Decommissioning and Waste Management Strategy (May 2016) <https://magnoxsites.com/wp-content/uploads/2016/06/Magnox-IWS-May-2016.pdf>

² Discussion paper on the regulation of nuclear sites in the final stages of decommissioning and clean-up (November 2016) (<https://www.gov.uk/government/publications/discussion-paper-on-the-regulation-of-nuclear-sites-in-the-final-stages-of-decommissioning-and-clean-up>)

³ Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (February 2016) (<https://consultation.sepa.org.uk/operations-portfolio/grr/>)

It is further noted that the Councils have proposed to amend clause 1 to Policy GWA 3, requiring proposals to be "...consistent with the national strategies and policies for managing radioactive waste and discharges". If the purpose of this clause is to refer to national strategies and policies for managing radioactive wastes (which include NDA Strategy, as well as the abovementioned policies and guidance), the reference to "discharges" is unnecessary. For clarity, it is requested that the clause be amended as follows in order to correctly reference these national strategies and policies:

"1. It is consistent with the national strategies and policies for the management and disposal of radioactive waste."

The approach suggested above is consistent with other development plans elsewhere in the UK. Example policies can be found in the adopted Somerset Waste Core Strategy, and in the emerging plans for Cumbria, Essex and Southend-on-Sea, Oxfordshire and Bournemouth, Dorset and Poole Councils.

It is noted that the Councils have proposed to introduce a new clause (clause 5) to Policy GWA 3 requiring proposals for radioactive waste management and disposal to be "...supported by a Waste Planning Assessment (as defined by TAN21: Waste)". Paragraph 4.2 of TAN 21 specifies that a Waste Planning Assessment is required to be submitted with all applications for a "waste facility classified as a disposal, recovery or recycling facility". Paragraph 1.6 of TAN 21 provides the definition of waste, as established in Article 3(1) of the EU Waste Directive Framework (Directive 2008/98/EC on waste, OJ [2008] L312/3). The provision of this definition within the introduction to TAN 21 indicates that this is the 'waste' referred to when determining whether a facility is classified as a disposal, recovery or recycling facility for 'waste', for the purpose of determining whether a Waste Planning Assessment is required. However, Article 2(1)(d) of the Waste Framework Directive excludes radioactive waste from the scope of the Directive. By virtue of this exemption, radioactive waste does not fall within the aforementioned definition of 'waste' (under Article 3(1) of the Directive). Hence a "waste facility classified as a disposal, recovery or recycling facility" is not a facility that deals with radioactive waste. For the purpose of determining whether a Waste Planning Assessment is required under TAN 21, this effectively exempts applications for radioactive waste management facilities from requiring a Waste Planning Assessment to accompany the application.

In light of the above, it is considered that a Waste Planning Assessment under TAN 21 will not be required for radioactive waste management proposals at Wylfa/Wylfa Newydd. It is therefore requested that clause 5 is removed from Policy GWA 3 as it is not applicable to radioactive waste management proposals.

With respect to Matters Arising Change Reference NMC 290, it is noted that the Councils propose to amend the final sentence under Policy GWA 1 to state that "*all new proposals for Waste Management facilities should be accompanied by a Waste Planning Assessment (as defined by Annex B of TAN21, Waste)*". For clarity and consistency, it is also requested that the final sentence under Policy GWA 1 is amended to reflect the above suggested change to Policy GWA 3. It is suggested that the sentence is reworded as follows:

"All new proposals for Waste Management facilities (excluding radioactive waste management facilities) should be accompanied by a Waste Planning Assessment (as defined by Annex B of TAN21, Waste)"

It is noted that the revised Policy GWA 3 includes references to Wylfa Newydd and Policy GWA 1. As stated earlier Article 2(1)(d) of the Waste Framework Directive excludes radioactive waste from the scope of the Directive. As Policy GWA 1 deals with facilities for waste covered by the Directive, it is not applicable to radioactive waste management and

disposal, therefore the cross-reference to GWA 1 should be deleted, particularly as GWA 3 already includes criteria relating to the need to minimize any adverse impacts of the proposals. If the Councils consider it necessary, a minor amendment to Policy GWA 3 could be made to include the general provisions of GWA 1 (see suggested wording overleaf). It should also be noted that Policy PS9 - *Wylfa Newydd and Related Development* includes a provision for radioactive waste management so reference to Wylfa Newydd under GWA 3 may not be necessary. Therefore, and for clarity, it is requested that the reference to GWA 1 is deleted from Policy GWA 3.

In light of the above comments, it is recommended that Policy GWA 3 is amended as follows:

POLICY GWA 3: RADIOACTIVE WASTE MANAGEMENT

Facilities for the storage, management and/or disposal of radioactive waste generated within the nuclear licensed area at the existing Wylfa power station will be granted, provided that all the following criteria can be met:

- 1. It is consistent with the national strategies and policies for the management and disposal of radioactive waste;*
- 2. The outcome of social economic and environmental health assessments justify it being dealt with at the proposed location; and*
- 3. Facilities are sited and designed in order to minimise adverse impacts on the environment, the landscape and the local community and appropriate environmental restoration measures are available.*

GVA's representation to the Focussed Changes Consultation requested definitions for Intermediate Level Waste (ILW) to be included within the supporting text to Policy GWA3. This is because ILW is produced from the decommissioning of the existing Wylfa Nuclear Power Station. However to address this request the Councils have proposed to remove the definitions of LLW and VLLW from the supporting text to Policy GWA 3 (under footnotes 2 and 3). To ensure the plan can be easily read and understood, all categories of radioactive waste generated at Wylfa should be defined in the plan. This includes ILW and well as VLLW and LLW. Current definitions are provided below:

Intermediate Level Waste (ILW): *Waste with radioactivity levels exceeding the upper boundaries for Low Level Waste (LLW), but which does not need heating to be taken into account in the design of storage or disposal facilities. ILW arises mainly from the reprocessing of spent fuel, and from general operations and maintenance of radioactive plant. The major components of ILW are metals and organic materials, with smaller quantities of cement, graphite, glass and ceramics.*

Low Level Waste (LLW): *Waste which includes metals, soil, building rubble and organic materials, arising principally as lightly contaminated miscellaneous scrap. Wastes other than those suitable for disposal with ordinary refuse, but not exceeding 4 GBq/te (gigabecquerels) of alpha or 12 GBq/te of beta/gamma activity. Metals are mostly in the form of redundant equipment. Organic materials are mainly in the form of paper towels, clothing and laboratory equipment that have been used in areas where radioactive materials are used – such as hospitals, research establishments and industry. The National Repository for LLW is near Drigg, Cumbria.*

Source: Nuclear Decommissioning Authority Strategy III (Effective from April 2016)

Very low level waste (VLLW): Covers waste with very low concentrations of radioactivity. It arises from a variety of sources, including hospitals and the wider non-nuclear industry. Because VLLW contains little total radioactivity, it has been safely treated by various means, such as disposal with municipal and general commercial and industrial waste directly at landfill sites or indirectly after incineration. Its formal definition is:

- a) in the case of low volumes ('dustbin loads') of VLLW "Radioactive waste which can be safely disposed of to an unspecified destination with municipal, commercial or industrial waste ("dustbin" disposal), each 0.1m³ of waste containing less than 400 kilobecquerels (kBq) of total activity or single items containing less than 40 kBq of total activity. For wastes containing carbon-14 or hydrogen-3 (tritium):
 - i. in each 0.1m³, the activity limit is 4,000 kBq for carbon-14 and hydrogen-3 (tritium) taken together
 - ii. for any single item, the activity limit is 400 kBq for carbon-14 and hydrogen-3 (tritium) taken together. Controls on disposal of this material, after removal from the premises where the wastes arose, are not necessary.
- b) in the case of high volumes of VLLW "Radioactive waste with maximum concentrations of four megabecquerels per tonne (MBq/te) of total activity which can be disposed of to specified landfill sites. For waste containing hydrogen-3 (tritium), the concentration limit for tritium is 40MBq/te. Controls on disposal of this material, after removal from the premises where the wastes arose, will be necessary in a manner specified by the environmental regulators.

Source: UK Strategy for the Management of Solid Low Level Waste From the Nuclear Industry (February 2016)

Matters Arising Change Reference NMC 295 – Modification to Paragraph 7.5.56

It is noted that the Councils have proposed an amendment to paragraph 7.5.56 to acknowledge that the Wylfa Nuclear Power Station is currently being decommissioned (Matters Arising Change Reference NMC 295). The NDA and Magnox welcome this change as it provides further clarification with respect to the on-going decommissioning process at the site.

The second sentence of paragraph 7.5.56 only acknowledges that Low and Very Low Level radioactive waste will be produced from the decommissioning process. However as the comments on Policy GWA 3 above, ILW will be generated as a result of the decommissioning process. For clarity and for consistency, this sentence needs to be amended to acknowledge that ILW will be generated at the existing Wylfa Nuclear Power Station as the site progresses through the decommissioning process. It is therefore proposed that the sentence is amended as follows:

The decommissioning process is likely to give rise to Intermediate, Low and Very Low Level radioactive waste.

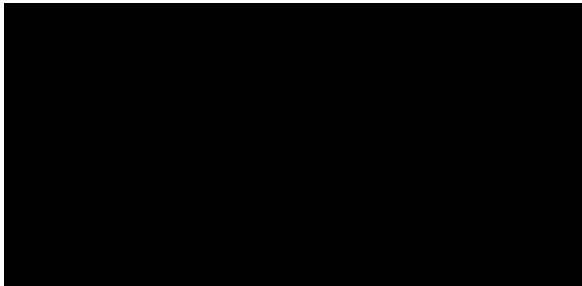
Conclusion

This representation has been made by GVA on behalf of the NDA and Magnox Limited in response to the current consultation on the Joint Local Development Plan, Matters Arising Changes.

In summary, the NDA and Magnox welcome amendments to the LDP to ensure consistency with the representations made by GVA (on behalf of the NDA and Magnox) to the consultation on the Focussed Changes to the LDP and the comments provided to the Inspector during the Examination of the Plan. However, they maintain their view that further minor changes (as detailed within this letter) are still required for the Plan to be considered sound. The changes proposed by the NDA and Magnox are considered necessary to ensure that the Plan complies with national strategies and policies on nuclear decommissioning and radioactive waste management and disposal.

If you require any clarity in respect of the enclosed representation, then please contact us.

Yours sincerely



SYLWADAU NMC290 COMMENTS

GWRTHWYNEBU / OBJECT



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Defnydd swyddfa yn unig/ Office use only

Rhif Cyn./Rep No.:

Derbyniwyd/Received:

Cydnabod/Acknowledged

Cynllun Datblygu Lleol ar y Cyd Ynys Môn a Gwynedd 2011-2026
FFURFLEN SYLWADAU I NEWIDIADAU MATERION SY'N CODI/
Anglesey and Gwynedd Joint Local Development Plan 2011-2026
MATTERS ARISING CHANGES COMMENTS FORM
26/1/17.

Mae'r Cynghorau yn ymgynghori ar nifer o Newidiadau Materion sy'n Codi o ganlyniad i Sesiynau Gwrandawriad o Archwiliad Cynllun Datblygu Lleol ar y Cyd Gwynedd a Môn. Mae'r newidiadau hyn wedi eu rhoi yn y ddogfen ymgynghori: 'Cofrestr Newidiadau Materion sy'n Codi' (Ionawr 2017).

Sylwer bod RHAID i sylwadau ymwneud â'r Newidiadau Materion sy'n Codi yn unig, ac nid am agweddau eraill o'r Cynllun Datblygu Lleol ar y Cyd. Mae'r sylwadau a wnaethpwyd yn ystod y cyfnod Adnau, ynghyd â'r Newidiadau â Ffocws, eisoes wedi cael eu cyflwyno i'r Arolygydd ac felly dim ond ar gyfer gwneud sylwadau am y Newidiadau Materion sy'n Codi dylid defnyddio'r ffurflen hon. Bydd pob sylw arall yn cael eu hanwybyddu.

Dylid defnyddio'r ffurflen hon ar gyfer yr holl sylwadau (h.y. sylwadau neu wrthwynebiadau). Mae fersiynau electronig ar gael ar www.gwynedd.llyw.cymru/cdll neu www.ynysmon.gov.uk/cdll. Os ydych yn cyflwyno copi papur, dylech atodi tudalennau ychwanegol lle bod angen, gan nodi rhif y dudalen yn glir. **Dylech lenwi ffurflenni ar wahân ar gyfer pob sylw** yr hoffech ei wneud.

Mae'n rhaid derbyn eich sylwadau ddim hwyrach na hanner nos ar y 9 Mawrth 2017. NI FYDD SYLWADAU A DDERBYNNIR AR ÔL Y DYDDIAD YMA YN CAEL EU HYSTYRIED

Dychwelwch y ffurflenni i: **Uned Polisi Cynllunio ar y Cyd, Llawr 1af Swyddfa Cyngor Dinas Bangor, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT** neu polisicynllunio@gwynedd.llyw.cymru

Diogelu Data - Bydd yr holl sylwadau ar gael i'w harchwilio gan y cyhoedd ac ni ellir eu hystyried yn gyfrinachol. Serch hynny, i sicrhau diogelwch data bydd manylion personol yn cael eu tynnu allan o'r dogfennau fydd ar gael yn gyhoeddus.

Mae'n bosib derbyn ffurflenni sylwadau ychwanegol gan yr Uned Polisi Cynllunio ar y Cyd drwy ffonio 01286 685003/ 679668 neu gellir eu llawr lwytho o wefan y Cyngor yn: www.gwynedd.llyw.cymru/cdll neu www.ynysmon.gov.uk/cdll neu gallwch lungopio'r ffurflen hon.

The Councils are consulting on a number of Matters Arising Changes as a result of the Hearing Sessions from the Examination of the Anglesey and Gwynedd Joint Local Development Plan. These changes are set out in the consultation document: 'Schedule of Matters Arising Changes (January 2017).

Please note that representations MUST relate only to the Matters Arising Changes, and not to other aspects of the Joint Local Development Plan. All comments made at the Deposit stage, together with the Focus Changes, have already been submitted to the Inspector, therefore this form can only be used to comment on the Matters Arising Changes. All other representations will be disregarded.

This form should be used for all representations (i.e. comments or objections). Electronic versions are available at www.gwynedd.llyw.cymru/ldp or www.anglesey.gov.uk/ldp. If you are submitting a paper copy, attach additional sheets as necessary, clearly numbering each consecutive sheet. **Separate forms should be completed for each comment** that you wish to make.

Your representations must be received by no later than midnight on the 9 March 2017. REPRESENTATIONS RECEIVED AFTER THIS TIME WILL NOT BE CONSIDERED

Please return forms to: **Joint Planning Policy Unit, 1st Floor Bangor City Council Offices, Ffordd Gwynedd, Bangor, Gwynedd, LL57 1DT** or planningpolicy@gwynedd.llyw.cymru

Data Protection – All representations will be made available for public inspection and cannot be treated as confidential. However to ensure data protection personal details from publically accessible documents will be removed.

Additional representation forms can be obtained from the Joint Planning Policy Unit on 01286 685003/ 679668 or may be downloaded from the Council's web site at: www.gwynedd.llyw.cymru/ldp or www.anglesey.gov.uk/ldp or you may photocopy this form.


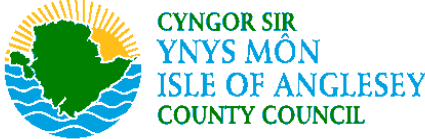
| | | |
|---|--|--|
| RHAN 1/PART 1: Manylion cyswllt : Contact details: | | |
| | Eich manylion neu manylion eich cleient <i>Your details or your client's details</i> | Manylion yr Asiant (os yn berthnasol) <i>Agent's details (If relevant)</i> |
| Enw <i>Name</i> | | Mr Ben Lewis |
| Sefydliad (os yn berthnasol) <i>Organisation (If relevant)</i> | The Nuclear Decommissioning Authority and Magnox Limited | GVA |
| Cyfeiriad <i>Address</i> | c/o agent | [REDACTED] |
| Côd Post <i>Postcode</i> | | [REDACTED] |
| Ffôn <i>Tel:</i> | | [REDACTED] |
| E-bost <i>Email:</i> | | [REDACTED] |
| Llofnodwyd <i>Signed</i> | [REDACTED] | |
| Dyddiad <i>Date</i> | 09.03.2017 | |

Rhowch eich sylwadau yn Rhan 2 y ffurflen hon. *Please set out your comments in Part 2 of this form. Use Defnyddiwch dudalennau ychwanegol os oes angen, gan additional sheets of paper where necessary, clearly nodi rhif y dudalen yn glir. numbering each consecutive sheet.*

Dylech lenwi ffurflenni ar wahân ar gyfer pob sylw yr hoffech ei wneud. *Separate forms should be completed for each comment that you wish to make.*

Os yw grŵp yn rhannu barn gyffredin ynghylch Newid Materion sy'n Codi, bydd y Cynghorau'n derbyn deiseb wedi'i llofnodi. *Where a group shares a common view on Matters Arising Changes, the Councils will accept a signed petition. In submitting a representation form on behalf of a group, the representation form should include the contact details of a lead individual at Part 1 and the comments should be clearly set out on the representation form. The signed petition should state clearly how many people are being represented and how the representation has been authorised. Signing a petition does not prevent the submission of individual forms.*

Wrth gyflwyno ffurflen sylwadau ar ran grŵp, dylai'r ffurflen sylwadau gynnwys manylion cyswllt unigolyn arweiniol yn Rhan 1 a dylid nodi'r sylwadau'n glir ar y ffurflen sylwadau. Dylai'r ddeiseb sydd wedi'i llofnodi nodi'n glir faint o bobl sy'n cael eu cynrychioli a sut mae'r sylwadau wedi'u hawdurdodi. Nid yw llofnodi deiseb yn atal neb rhag cyflwyno ffurflenni unigol.

| | | |
|--|---|--|
|  |  | Defnydd swyddfa yn unig/ Office use only Rhif Cyn./Rep No.: Derbyniwyd/Received: Cydnabod/Acknowledged |
|--|---|--|

Cynllun Datblygu Lleol ar y Cyd Ynys Môn a Gwynedd 2011-2026
FFURFLEN SYLWADAU NEWIDIADAU MATERION SY’N CODI /
Anglesey and Gwynedd Joint Local Development Plan 2011-2026
MATTERS ARISING CHANGES COMMENTS FORM
26/1/17

| |
|---|
| RHAN 2: Eich Sylwadau a Newidiadau a |
| Awgrymir PART 2: Your Comments and Suggested Changes Eich enw/Sefydliad: |

Your name/Organisation: Mr Ben Lewis / GVA

| | | | | | |
|---|--|----------------------------|----------------------|-------------------------------|----------------------------------|
| 1. Ar ba un o’r Newidiadau Materion sy’n Codi yr ydych chi’n gwneud sylwadau? (Cofiwch ddefnyddio un ffurflen ar gyfer pob sylw) 1. Which of the Matters Arising Changes are you commenting on? (Remember to use one form for each representation) | | | | | |
| Rhif y Newid Materion sy’n Codi (NMC) <i>Matters Arising Change Number (NMC)</i> | NMC 141, NMC 290, NMC 294, NMC 295, NMC 296. | Cefnogi/ <i>Support</i> | NMC 141, NMC 296. | Gwrthwynebu/ <i>Object</i> | NMC 290, NMC 294. NMC 295. |

| | | |
|--|---|---|
| 2. Cyn i chi esbonio eich sylwadau’n fanwl, byddai’n dda gwybod os ydych yn credu fod y Cynllun yn gadarn ai pheidio, o ganlyniad i’r Newidiadau Materion sy’n Codi, neu a ydych o’r farn bod rhannau ohono neu bob rhan ohono ddim yn gadarn a bod angen ei newid. I gael rhagor o wybodaeth am gadernid a gofynion gweithdrefnol, gweler y nodiadau cyfarwyddyd. Os ydych yn ansicr, gadewch y rhan yma yn wag. 2. Before you set out your comments in detail, it would be helpful to know whether you think that, as a result of the Matters Arising Changes, the Plan is sound or that all or parts of it are unsound. <i>For more information on soundness and procedural requirements, see the guidance notes. If you are unsure, leave this section blank.</i> | | |
| Cadarn/Sound | Dim yn gadarn a dylid ei newid /Unsound and should be changed | X |

3. Rhowch eich sylwadau isod gan ddefnyddio tudalennau ychwanegol fel bo angen. Dylech roi eich sylwadau chi'n llawn. Bydd hynny'n helpu'r Awdurdod a'r Arolygydd i ddeall y materion y byddwch yn eu codi. Ni fyddwch chi'n cael cyflwyno rhagor o wybodaeth gerbron yr Archwiliad oni fydd yr Arolygydd yn eich gwahodd chi i egluro unrhyw faterion y bydd yn godi. Rhowch wybod os ydych chi'n cyflwyno deunyddiau eraill i ategu eich sylwadau.

3. Please set out your comments below using additional sheets as necessary. Your comments should be set out in full. This will help the Authority and the Inspector to understand the issues you raise. You will only be able to submit further information to the Examination if the Inspector invites you to address matters that he may raise. Please indicate if you are submitting other material to support your comments.

Please see accompanying representation letter.

4. Os yw eich sylw yn 3 yn fwy na 100 o eiriau, darparwch grynodeb os gwelwch yn dda (dim mwy na 100 o eiriau).

4. If your response to 3 above exceeds 100 words, please provide a summary (no more than 100 words).

Please see accompanying representation letter.

RHAN 3: Beth sy'n digwydd nesaf**PART 3: What happens next?**

Bydd pob un o'r sylwadau a dderbyniwyd o fewn y cyfnod ymgynghori yn cael eu hanfon ymlaen yn syth i'r Arolygydd. Rhag ofn bydd yr Arolygydd yn penderfynu dylid cynnal sesiynau gwrandawriad pellach mae angen i chi nodi isod os ydych yn dymuno ymddangos gerbron yr Arolygydd a siarad mewn 'sesiwn gwrandawriad'. Serch hynny, mae'n bwysig nodi y bydd yr Arolygydd yn rhoi'r un pwysau i'r sylwadau ysgrifenedig yr ydych chi wedi eu cyflwyno ar y ffurflen hon â'r rheiny a wneir ar lafar mewn sesiwn gwrandawriad.

All comments received by the closing date will be forwarded directly to the Inspector for consideration. Just in case the Inspector decides that further hearing sessions are necessary please indicate whether you would want to speak at a session. It is important to note that written comments will be given the same weight by the Inspector as those made verbally at a hearing session.

5. A ydych am i'ch sylwadau gael eu hystyried fel 'sylwadau ysgrifenedig' neu a hoffech siarad mewn sesiwn gwrandawriad yn yr Archwiliad Cyhoeddus? (Ticiwch un o'r isod)

5. Do you want your comments to be considered by 'written representations' or do you want to speak at a hearing session of the Public Examination? (Please tick one of the following)

Nid wyf am siarad mewn sesiwn gwrandawriad ac rwyf yn fodlon i'm sylwadau ysgrifenedig gael eu hystyried gan yr Arolygydd.

I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

X

Should the Inspector require us to appear at a Hearing, please contact GVA.

Hoffwn siarad mewn sesiwn gwrandawriad.

I want to speak at a hearing session.

6. Os hoffech siarad, cadarnhewch pam rydych yn ystyried ei bod hi'n angenrheidiol i chi siarad yn y Gwrandawriad.

6. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing.

N/A

7. Os ydych am siarad, byddai'n ddefnyddiol pe gallech nodi ym mha iaith hoffech chi gael eich clywed? (Ticiwch un o'r isod)

7. If you wish to speak, it would be helpful if you could indicate in which language you would like to be heard. (Please tick one of the following boxes)

Hoffwn i gael fy nghlywed yn Gymraeg

I wish to be heard in Welsh

| | |
|--|--|
| Hoffwn i gael fy nghlywed yn Saesneg <i>I wish to be heard in English</i> | |
|--|--|

DIOLCH AM EICH SYLWADAU / THANK YOU FOR YOUR COMMENTS

| Nodiadau cyfarwyddyd | Guidance notes |
|--|--|
| <p>Mae Cynllun Datblygu Lleol ar y Cyd Gwynedd a Môn yn cael ei archwilio ar hyn o bryd gan Arolygwyr annibynnol a benodwyd gan Lywodraeth Cymru. Gwaith yr Arolygwyr yw ystyried a yw'r Cynllun yn bodloni gofynion gweithdrefnol ac a yw'n gadarn.</p> <p>Gellir ystyried 'Cadarn' yn y cyd-destun hwn o fewn ei ystyr arferol o 'dangos barnu da' a 'gellir ymddiried ynddo'. Y cwestiynau neu'r 'profion' y bydd yr Arolygydd yn eu hystyried wrth benderfynu a yw'r Cynllun yn gadarn yw:</p> <ol style="list-style-type: none"> 1. A yw'r cynllun yn ffitio? (h.y. a yw'n gyson â chynlluniau eraill?) 2. A yw'r cynllun yn briodol? (h.y. a yw'n briodol ar gyfer yr ardal yng ngoleuni'r dystiolaeth?) 3. A fydd y cynllun yn cyflawni? (h.y. a yw'n debygol o fod yn effeithiol?) <p>Darperir rhagor o wybodaeth am y profion cadernid a'r gofynion gweithdrefnol yn Arweiniad Gweithdrefnol ar Archwiliadau Cynllun Datblygu Lleol yr Arolygiaeth Gynllunio.</p> <p>Os ydych yn gwrthwynebu Newid Materion sy'n Codi, dylech ddweud pam nad yw'n gwneud y Cynllun yn gadarn a nodi pa newid y dylid ei wneud er mwyn sicrhau fod y Cynllun yn gadarn.</p> <p>Lle rydych yn cynnig diwygiad i'r Newidiadau Materion sy'n Codi byddai'n ddefnyddiol egluro pa brawf (profion) cadernid rydych yn credu ei fod yn methu. Fydd methu adnabod prawf ddim yn golygu na chaiff eich sylw ystyriaeth, cyn belled â'i fod yn ymwneud a'r Newid Materion sy'n Codi. Dylech gynnwys eich holl sylwadau ar y ffurflen, gan ddefnyddio dogfennau ychwanegol a thystiolaeth ategol lle bod angen.</p> | <p><i>The Joint Anglesey and Gwynedd Local Development Plan (LDP) is being examined by an independent Inspector appointed by the Welsh Government. It is the Inspector's job to consider whether the Plan meets procedural requirements and whether it is sound.</i></p> <p><i>'Sound' may be considered in this context within its ordinary meaning of 'showing good judgement' and 'able to be trusted'. The questions or 'tests' which the Inspector will consider in deciding whether the Plan is sound are:</i></p> <ol style="list-style-type: none"> <i>1. Does the plan fit? (i.e. is it consistent with other plans?)</i> <i>2. Is the plan appropriate? (i.e. is it appropriate for the area in the light of the evidence?)</i> <i>3. Will the plan deliver? (i.e. is it likely to be effective?)</i> <p><i>More information on the soundness tests and procedural requirements is provided in the Planning Inspectorate's Local Development Plan Examinations Procedural Guidance.</i></p> <p><i>If you are objecting to a Matters Arising Changes, you should say why you think it makes the Plan unsound, and which change should be made to make the Plan sound.</i></p> <p><i>Where you propose an amendment to a Matters Arising Changes it would be helpful to make clear which test(s) of soundness you believe it fails. Failing to identify a test will not mean that your comment will not be considered, providing it relates to the Matters Arising Changes. You should include all your comments on the form, using accompanying documents and supporting evidence where necessary.</i></p> |
| | |

Our Ref: [REDACTED]

8th March 2017

Joint Planning Policy Unit
1st Floor Bangor City Council Offices
Ffordd Gwynedd
Bangor
LL57 1DT

Dear Sir / Madam,

Anglesey and Gwynedd Joint Local Development Plan,
Matters Arising Changes Consultation
Representation on behalf of the NDA and Magnox Limited

We are writing to you on behalf of the Nuclear Decommissioning Authority (the NDA) and Magnox Limited (Magnox), in respect of the current consultation on the Joint Local Development Plan (LDP), Matters Arising Changes. GVA is the appointed property advisor for the NDA and Magnox, providing planning advice across the NDA's UK-wide estate. We have made representations to various local plan and other consultations across the UK, affecting various NDA sites.

The NDA is the strategic authority responsible for managing the effective and efficient clean-up of the UK's nuclear legacy, which includes the Wylfa site. Land within the Nuclear Licensed Site (NLS) is subject to decommissioning of redundant facilities, radioactive waste management and, where necessary, the remediation of land. Magnox is the Site License Company (SLC) under contact to the NDA to carry out the decommissioning process.

GVA made representations on behalf of the NDA and Magnox to the consultation on the Focussed Changes to the LDP on 8th April 2016. Additional submissions were made to the Examination Programme Officer in August 2016 for the Inspector's consideration as part of the Examination Hearings. To assist with the Examination of the Plan, GVA engaged in dialogue with Gwynedd Council in September and October 2016 to discuss further changes to the LDP Policy to align with the submissions made. As part of this, GVA provided a briefing note setting out where similar policy provisions had been agreed to inform the Councils' evidence base in determining the required changes to LDP Policy GWA3.

The detail of the representation to the Matters Arising Changes Consultation is provided below. A 'Matters Arising Changes Comments Form' has been completed and is also provided under this submission.

GVA is the trading name of GVA Grimley Limited registered in England and Wales number 6382509. Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS.

Birmingham Bristol Cardiff Dublin
Edinburgh Glasgow Leeds Liverpool
London Manchester Newcastle

Response to the Matters Arising Changes Consultation

The NDA and Magnox would like to confirm their support for the following modifications, which are consistent with the representations made by GVA (on behalf of the NDA and Magnox):

- Matters Arising Change Reference NMC 141 – Modification to Strategic Policy PS9 (Wylfa Newydd and Related Development); and
- Matters Arising Change Reference NMC 296 – Modification to paragraph 7.5.59.

While the NDA and Magnox welcome the abovementioned changes to the LDP, they maintain their view that further minor changes are still required for the Plan to be considered sound. For ease of reference, we have addressed each of these amendments in turn below.

Policy GWA 3 (Radioactive Waste Management) – Matters Arising Change Reference NMC 294, and Policy GWA 1 (Provision of Waste Management and Recycling Infrastructure) – Matters Arising Change Reference NMC 290

It is noted that the Councils have proposed to remove the reference to radioactive waste “disposal” from Policy GWA 3. However paragraph 7.5.57 states “the national policy for handling such waste is to deal with them as far up the waste hierarchy as possible. **However, it is likely that some of this waste will need to be disposed of either on or adjacent to licensed nuclear sites** [our emphasis] or to landfill sites elsewhere”. Paragraph 7.5.59 goes on to state that “this policy provides for the implementation of such facilities within the confines of the Nuclear License Site”. The NDA and Magnox are concerned that exclusion of radioactive waste disposal from Policy GWA 3 fails to recognise that some waste may need to be disposed of at the existing Wylfa site, and this approach is supported by national policy and guidance¹.

In particular, the NDA and Magnox would like to draw the Council’s attention to the emerging policy² and regulatory guidance concerning site remediation and site end state (condition after final site clearance). The Environmental Regulators’ draft guidance³ will require Magnox (and other Nuclear Site Licence holders) to review the site-wide waste management approach to identify and deliver an optimised site end state. This may involve options for the in-situ disposal of existing sub-surface structures and the on-site disposal of any associated above ground portion, together with the approach to managing land contamination.

The proposed removal of the reference to radioactive waste ‘disposal’ from Policy GWA 3 could foreclose options for in-situ / on-site disposal of waste at the site, which would contravene the abovementioned national strategies and policies for radioactive waste management and disposal. In light of this, the NDA and Magnox request that the reference to radioactive waste ‘disposal’ in Policy GWA3 is retained.

¹ For further information see:

- NDA Strategy effective from April 2016 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512836/Nuclear_Decommissioning_Authority_Strategy_effective_from_April_2016.pdf) and
- Magnox Limited – Integrated Decommissioning and Waste Management Strategy (May 2016) <https://magnoxsites.com/wp-content/uploads/2016/06/Magnox-IWS-May-2016.pdf>

² Discussion paper on the regulation of nuclear sites in the final stages of decommissioning and clean-up (November 2016) (<https://www.gov.uk/government/publications/discussion-paper-on-the-regulation-of-nuclear-sites-in-the-final-stages-of-decommissioning-and-clean-up>)

³ Guidance on Requirements for Release of Nuclear Sites from Radioactive Substances Regulation (February 2016) (<https://consultation.sepa.org.uk/operations-portfolio/grr/>)

It is further noted that the Councils have proposed to amend clause 1 to Policy GWA 3, requiring proposals to be "...consistent with the national strategies and policies for managing radioactive waste and discharges". If the purpose of this clause is to refer to national strategies and policies for managing radioactive wastes (which include NDA Strategy, as well as the abovementioned policies and guidance), the reference to "discharges" is unnecessary. For clarity, it is requested that the clause be amended as follows in order to correctly reference these national strategies and policies:

"1. It is consistent with the national strategies and policies for the management and disposal of radioactive waste."

The approach suggested above is consistent with other development plans elsewhere in the UK. Example policies can be found in the adopted Somerset Waste Core Strategy, and in the emerging plans for Cumbria, Essex and Southend-on-Sea, Oxfordshire and Bournemouth, Dorset and Poole Councils.

It is noted that the Councils have proposed to introduce a new clause (clause 5) to Policy GWA 3 requiring proposals for radioactive waste management and disposal to be "...supported by a Waste Planning Assessment (as defined by TAN21: Waste)". Paragraph 4.2 of TAN 21 specifies that a Waste Planning Assessment is required to be submitted with all applications for a "waste facility classified as a disposal, recovery or recycling facility". Paragraph 1.6 of TAN 21 provides the definition of waste, as established in Article 3(1) of the EU Waste Directive Framework (Directive 2008/98/EC on waste, OJ [2008] L312/3). The provision of this definition within the introduction to TAN 21 indicates that this is the 'waste' referred to when determining whether a facility is classified as a disposal, recovery or recycling facility for 'waste', for the purpose of determining whether a Waste Planning Assessment is required. However, Article 2(1)(d) of the Waste Framework Directive excludes radioactive waste from the scope of the Directive. By virtue of this exemption, radioactive waste does not fall within the aforementioned definition of 'waste' (under Article 3(1) of the Directive). Hence a "waste facility classified as a disposal, recovery or recycling facility" is not a facility that deals with radioactive waste. For the purpose of determining whether a Waste Planning Assessment is required under TAN 21, this effectively exempts applications for radioactive waste management facilities from requiring a Waste Planning Assessment to accompany the application.

In light of the above, it is considered that a Waste Planning Assessment under TAN 21 will not be required for radioactive waste management proposals at Wylfa/Wylfa Newydd. It is therefore requested that clause 5 is removed from Policy GWA 3 as it is not applicable to radioactive waste management proposals.

With respect to Matters Arising Change Reference NMC 290, it is noted that the Councils propose to amend the final sentence under Policy GWA 1 to state that "*all new proposals for Waste Management facilities should be accompanied by a Waste Planning Assessment (as defined by Annex B of TAN21, Waste)*". For clarity and consistency, it is also requested that the final sentence under Policy GWA 1 is amended to reflect the above suggested change to Policy GWA 3. It is suggested that the sentence is reworded as follows:

"All new proposals for Waste Management facilities (excluding radioactive waste management facilities) should be accompanied by a Waste Planning Assessment (as defined by Annex B of TAN21, Waste)"

It is noted that the revised Policy GWA 3 includes references to Wylfa Newydd and Policy GWA 1. As stated earlier Article 2(1)(d) of the Waste Framework Directive excludes radioactive waste from the scope of the Directive. As Policy GWA 1 deals with facilities for waste covered by the Directive, it is not applicable to radioactive waste management and

disposal, therefore the cross-reference to GWA 1 should be deleted, particularly as GWA 3 already includes criteria relating to the need to minimize any adverse impacts of the proposals. If the Councils consider it necessary, a minor amendment to Policy GWA 3 could be made to include the general provisions of GWA 1 (see suggested wording overleaf). It should also be noted that Policy PS9 - *Wylfa Newydd and Related Development* includes a provision for radioactive waste management so reference to Wylfa Newydd under GWA 3 may not be necessary. Therefore, and for clarity, it is requested that the reference to GWA 1 is deleted from Policy GWA 3.

In light of the above comments, it is recommended that Policy GWA 3 is amended as follows:

POLICY GWA 3: RADIOACTIVE WASTE MANAGEMENT

Facilities for the storage, management and/or disposal of radioactive waste generated within the nuclear licensed area at the existing Wylfa power station will be granted, provided that all the following criteria can be met:

- 1. It is consistent with the national strategies and policies for the management and disposal of radioactive waste;*
- 2. The outcome of social economic and environmental health assessments justify it being dealt with at the proposed location; and*
- 3. Facilities are sited and designed in order to minimise adverse impacts on the environment, the landscape and the local community and appropriate environmental restoration measures are available.*

GVA's representation to the Focussed Changes Consultation requested definitions for Intermediate Level Waste (ILW) to be included within the supporting text to Policy GWA3. This is because ILW is produced from the decommissioning of the existing Wylfa Nuclear Power Station. However to address this request the Councils have proposed to remove the definitions of LLW and VLLW from the supporting text to Policy GWA 3 (under footnotes 2 and 3). To ensure the plan can be easily read and understood, all categories of radioactive waste generated at Wylfa should be defined in the plan. This includes ILW and well as VLLW and LLW. Current definitions are provided below:

Intermediate Level Waste (ILW): *Waste with radioactivity levels exceeding the upper boundaries for Low Level Waste (LLW), but which does not need heating to be taken into account in the design of storage or disposal facilities. ILW arises mainly from the reprocessing of spent fuel, and from general operations and maintenance of radioactive plant. The major components of ILW are metals and organic materials, with smaller quantities of cement, graphite, glass and ceramics.*

Low Level Waste (LLW): *Waste which includes metals, soil, building rubble and organic materials, arising principally as lightly contaminated miscellaneous scrap. Wastes other than those suitable for disposal with ordinary refuse, but not exceeding 4 GBq/te (gigabecquerels) of alpha or 12 GBq/te of beta/gamma activity. Metals are mostly in the form of redundant equipment. Organic materials are mainly in the form of paper towels, clothing and laboratory equipment that have been used in areas where radioactive materials are used – such as hospitals, research establishments and industry. The National Repository for LLW is near Drigg, Cumbria.*

Source: Nuclear Decommissioning Authority Strategy III (Effective from April 2016)

Very low level waste (VLLW): Covers waste with very low concentrations of radioactivity. It arises from a variety of sources, including hospitals and the wider non-nuclear industry. Because VLLW contains little total radioactivity, it has been safely treated by various means, such as disposal with municipal and general commercial and industrial waste directly at landfill sites or indirectly after incineration. Its formal definition is:

- a) in the case of low volumes ('dustbin loads') of VLLW "Radioactive waste which can be safely disposed of to an unspecified destination with municipal, commercial or industrial waste ("dustbin" disposal), each 0.1m³ of waste containing less than 400 kilobecquerels (kBq) of total activity or single items containing less than 40 kBq of total activity. For wastes containing carbon-14 or hydrogen-3 (tritium):
 - i. in each 0.1m³, the activity limit is 4,000 kBq for carbon- 14 and hydrogen-3 (tritium) taken together
 - ii. for any single item, the activity limit is 400 kBq for carbon-14 and hydrogen-3 (tritium) taken together Controls on disposal of this material, after removal from the premises where the wastes arose, are not necessary.
- b) in the case of high volumes of VLLW "Radioactive waste with maximum concentrations of four megabecquerels per tonne (MBq/te) of total activity which can be disposed of to specified landfill sites. For waste containing hydrogen-3 (tritium), the concentration limit for tritium is 40MBq/te. Controls on disposal of this material, after removal from the premises where the wastes arose, will be necessary in a manner specified by the environmental regulators.

Source: UK Strategy for the Management of Solid Low Level Waste From the Nuclear Industry (February 2016)

Matters Arising Change Reference NMC 295 – Modification to Paragraph 7.5.56

It is noted that the Councils have proposed an amendment to paragraph 7.5.56 to acknowledge that the Wylfa Nuclear Power Station is currently being decommissioned (Matters Arising Change Reference NMC 295). The NDA and Magnox welcome this change as it provides further clarification with respect to the on-going decommissioning process at the site.

The second sentence of paragraph 7.5.56 only acknowledges that Low and Very Low Level radioactive waste will be produced from the decommissioning process. However as the comments on Policy GWA 3 above, ILW will be generated as a result of the decommissioning process. For clarity and for consistency, this sentence needs to be amended to acknowledge that ILW will be generated at the existing Wylfa Nuclear Power Station as the site progresses through the decommissioning process. It is therefore proposed that the sentence is amended as follows:

The decommissioning process is likely to give rise to Intermediate, Low and Very Low Level radioactive waste.

Conclusion

This representation has been made by GVA on behalf of the NDA and Magnox Limited in response to the current consultation on the Joint Local Development Plan, Matters Arising Changes.

In summary, the NDA and Magnox welcome amendments to the LDP to ensure consistency with the representations made by GVA (on behalf of the NDA and Magnox) to the consultation on the Focussed Changes to the LDP and the comments provided to the Inspector during the Examination of the Plan. However, they maintain their view that further minor changes (as detailed within this letter) are still required for the Plan to be considered sound. The changes proposed by the NDA and Magnox are considered necessary to ensure that the Plan complies with national strategies and policies on nuclear decommissioning and radioactive waste management and disposal.

If you require any clarity in respect of the enclosed representation, then please contact us.

Yours sincerely



Ben Lewis MRTPI



cc.

