

The SAFEGROUNDS Learning Network Conference, 10 March 2005 Some Personal Impressions

The stated theme of the conference was 'driving good practice' in the management of contaminated land on nuclear and defence sites. The presentations and discussions tended to focus on two aspects of this theme: taking stock of *progress* and identifying *challenges* for the immediate future. It is these aspects that I concentrate on in this note.

SAFEGROUNDS PROGRESS

There was a consensus at the conference that SAFEGROUNDS is now a 'mature' project. It began in 1998 as a small pilot study that dealt exclusively with nuclear sites. It has grown into a large and well-established learning network that specifically covers both nuclear and defence sites, but that is also relevant to other land contaminated with radioactive and non-radioactive materials. SAFEGROUNDS now has a well-defined mission, which is to be 'a forum for developing and disseminating good practice guidance on the management of radioactively and chemically contaminated land on nuclear and defence sites in the UK'. It also has five clear aims: to maintain the existing SAFEGROUNDS guidance, to promote this guidance, to enhance stakeholder participation, to provide information on policy, regulatory and technical issues, to provide a forum for debate, and to develop new guidance.

The main SAFEGROUNDS guidance, on the management of contaminated land, is now almost three years old and its site characterisation guidance is about five years old. The project's paper on technical options for managing contaminated land was updated last year, revisions of its papers on stakeholder involvement and health and environmental risk assessment are nearly complete, a new paper on site endpoint issues has been produced, and a revision of the paper on the UK regulatory framework will be carried out soon. The website has been expanded greatly over the past couple of years. It now contains information and guidance from a variety of organisations in the UK and other countries, so users do not have to visit many other websites to get a full picture.

SAFEGROUNDS CHALLENGES

Those within SAFEGROUNDS feel that a major challenge for the next year or so is to promote the use of its land management guidance at site level. It was suggested that it would be easier to do this if the focus was on the 'key principles' in the guidance, rather than much of the detail. It could also help if it was made explicit that implementing the guidance means adopting the relatively new cultures of 'environmental protection' and 'stakeholder involvement', to complement the 'safety culture' that has long-existed on nuclear and defence sites. Another way to make the guidance more attractive to site owner/operator organisations, especially at middle-management and grass roots level, would be to emphasise that following it could save money in the long run and to discuss how to obtain value for money in implementing the key principles. Publication of more case studies would be helpful as well.

Thoughts are also beginning to turn to the production of the second version of the land management guidance, perhaps with a view to consulting on it in 2006 and issuing it in 2007. In doing so, it will be important to learn lessons from the successes and failures in take-up of the first version (see above). Some straightforward updating of the guidance is also required (eg to mention the NDA) and there are some obvious gaps to be filled (eg to link to the site characterisation guidance and to advise on how to go from a contaminated land management strategy for a whole site to the most appropriate option for each piece of land). With hindsight, it is very clear that the guidance should be made more user-friendly, not only for site owners/operators but also for regulators, local authorities and NGOs. Some of the detail might also be removed, for example to the planned SAFEGROUNDS paper on comparisons of options for the management of contaminated land.

NDA PROGRESS

In less than five years the Nuclear Decommissioning Authority (NDA) has grown from little more than a gleam in the eye of the Department of Trade and Industry (DTI) to an organisation that is responsible for dealing with liabilities worth about £50 billion, that employs about a hundred people and that has a budget of about £2 billion per year for the first three years of its work. It has its headquarters in Cumbria and has offices at various places, including London.

The NDA formally comes into being on 1st April 2005 and from that date UKAEA and BNFL become its contractors in the management of their nuclear sites (so-called 'tier 1' contractors). Their contracts are for two years, with an option to extend for a third year. After that the management of some sites will be put out to competitive tender. (If the tier 1 contractors change it means that the senior management at sites would change but the workforce would remain in place.) There will be a big reduction in the number of contractors who deal directly with site management companies. The fifty or so 'tier 2' contractors who do deal directly with them will cover large subject areas and will be 'solution providers', not simply suppliers. They will employ several hundred tier 3 contractors, who in turn will employ several thousand tier 4 contractors. The new arrangements are intended to cut costs through simplification and increased competition. They make it even more important to promote use of the SAFEGROUNDS guidance below senior management level (see above).

The NDA is committed to openness, transparency and stakeholder engagement. It believes it is in its own interests to consult and would do so even if it were not an obligation under the Energy Act 2004. It has already held national and regional meetings with stakeholders. At the local level it is assisting Local Community Liaison Committees (LCLCs) to reform themselves into Site Stakeholder Groups (SSGs) that will represent community views, scrutinise and influence plans and priorities for decommissioning the site, and advise the NDA and its contractors. It expects site decommissioning endpoints to be locally agreed and recognises that they may well differ from site to site and from one part of a site to another. The NDA will create a 'civil nuclear archive' that will contain records of all the buildings and contamination (radioactive and chemical) on sites now, and how they were dealt with in decommissioning.

NDA CHALLENGES

The NDA is a brand-new organisation so, in a sense, it has nothing but challenges ahead. It believes that it will have to be innovative to fulfil its remit. This does not just mean finding ways to decommission more quickly and cheaply, so that it can make the most of taxpayers' money. It also means minimising waste creation, reducing effluent discharges and minimising waste transport. All the new ideas will need stakeholder buy-in if they are to become realities. The NDA thinks that there is an obligation on stakeholders to engage responsibly and to recognise that there will be some NDA plans and assumptions that stem directly from its remit, and from constraints imposed by government, so are simply not up for debate. Many controversial topics are, however, for discussion with stakeholders. In particular, decommissioning strategies, including timing, have yet to be decided and the NDA will definitely be investigating possibilities for decommissioning more quickly than site owners/operators have previously planned.

NII PROGRESS

The Nuclear Installations Inspectorate (NII) of the Health and Safety Executive (HSE) regulates health and safety on nuclear-licensed sites and on-site management of radioactive materials and wastes. This regulatory regime is implemented via conditions in nuclear site licences. NII also has an advisory role on Ministry of Defence (MoD) nuclear sites that would be licensed if the MoD were not exempt from licensing requirements. NII views radioactive contamination on and under land on nuclear sites as an accumulation of radioactive material that should be managed as such. Remediation of contaminated land is viewed as a

constituent part of radioactive waste management and decommissioning. NII aims to increase public confidence in its regulatory system by being open about what it does.

NII does not specify detailed standards for licensees to follow but rather requires them to be consistent with modern standards, as far as is reasonably practicable. It provides guidance for its own inspectors and this is also expected to be useful for licensees. The most recent guidance that is relevant to contaminated land is that issued in 2001 on radioactive waste management and the separate guidance on decommissioning. The NII's Safety Assessment Principles (SAPs) that underlie all of their work on nuclear sites are currently being revised completely, not least to include the requirements of the International Atomic Energy Agency (IAEA) on nuclear safety regulators. The revision is being carried out with extensive consultation (see the HSE website for further details). There has also been full consultation on a revised delicensing policy, which is due to be issued in the next month or two.

NII CHALLENGES

NII is encouraging licensees to put forward proposals (eg for site end-states) that are acceptable to a wide range of stakeholders, and are optimised in respect of sustainability as well as safety. It is also encouraging licensees to compare technical options (eg for remediation of contaminated land, for management of radioactive wastes) on the basis of a range of factors and with input from various stakeholders. In the case of reactor decommissioning, NII has also to undertake its own stakeholder consultations as part of environmental impact consideration. It will continue to work closely with the environment agencies and will further develop its relationship with the NDA.

DEFENCE SITES PROGRESS

Defence Estates is the Executive Agency of MoD that is responsible for the delivery of estate management services across the MoD Estate. It is making considerable progress in cleaning up and disposing of non-nuclear defence sites that are no longer needed by MoD. It tries to identify and involve all stakeholders, and particularly the local community, when remediating sites. It has had some difficulties in engaging stakeholders at some sites, which is perhaps not surprising when there are no equivalents of LCLCs to build on. Engaging the local media has been found to be a good way to encourage stakeholders other than local authorities and environment agencies to become involved. Good progress is also being made in making and keeping records about contaminated land. Records of site characterisation and remediation are considered to reflect current best practice. They are placed in the public domain, in keeping with Defence Estates' commitment to openness. Defence Estates is also committed to working in partnership with industry when remediating sites. It has opted for re-measurement contracts, rather than traditional fixed price contracts, so as to recognise from the start the inherent uncertainties over ground conditions and to avoid unnecessarily adversarial relationships with its contractors.

DEFENCE SITES CHALLENGES

Defence Estates works under various constraints that do not apply to the civil nuclear industry. Current MoD policy is to release surplus land at the earliest possible time, having regard to the need to maximise the land's development potential and to protect human health and the environment. Defence Estates is thus obliged to realise the maximum capital receipt possible for each site whilst taking account of all the key principles in the SAFEGROUNDS land management guidance. It is very open with stakeholders about its constraints and it is often possible to both meet the constraints and satisfy stakeholders' wishes. For example, at AWE Cardiff it was decided to remove all radioactive contamination above background, thus providing a very high level of protection for future users of the land and ensuring that the site could be sold for the highest price. Decisions to sell and/or redevelop defence sites are predominantly taken internally within MoD and involve consultations with site staff and Trade Unions. They take into account the socio-economic impacts on the local community. When government ministers are involved there could, in theory, be additional constraints on

Defence Estates and bounds on the influence of local stakeholders. In practice, ministers are usually willing to take account of the views of the community, whether expressed directly or through a local authority, MP, NGO or CBO.

STAKEHOLDER ENGAGEMENT PROGRESS

It is fashionable to talk and write about stakeholder engagement but is it really happening? The feeling at the conference was that it is at national and regional levels but that there are difficulties at site level. There were anecdotes about the owners/operators of nuclear sites trying and failing to engage with local stakeholders about particular issues. NGOs/CBOs pointed out that people will only engage when they believe that they can influence decisions. There was also a view that NGO and CBO input tends to be pigeon-holed by site owners/operators under 'social issues', even when it is using scientific evidence to challenge technical statements. In contrast, organisations such as the DTI (for the NDA), HSE, the Environment Council (for BNFL) and SAFEGROUNDS itself have had considerable success in engaging stakeholders nationally. It was recognised that there is a need for both 'broad and diverse' and 'narrow and deep' stakeholder engagement on nuclear and radiation issues.

STAKEHOLDER ENGAGEMENT CHALLENGES

For both nuclear and defence sites the challenges for the immediate future are in engaging stakeholders at local level. At most nuclear sites the engagement related to contaminated land is part of the engagement about decommissioning, and is largely related to the work of the NDA. There is a need to replace LCLCs that tend to be passive receivers of information with SSGs that can actively influence what happens. The engagement here is not simply for a single issue and is not a one-off exercise. It needs to cover all the main aspects of decommissioning and to carry on for many years, perhaps for decades. In contrast, at non-nuclear defence sites the engagement is generally for a short period and focused on clean-up prior to redevelopment and sale. It may not be clear who the stakeholders are, beyond local government and regulators, and pressure to act quickly may not allow time to build up trust.

The challenge is to match site practice to the principles in the SAFEGROUNDS guidance. Meeting it is likely to require cultural changes, not only in site owner/operator organisations but also in regulators, local authorities, NGOs and CBOs, and not only at senior management level but down to the grass roots. Ways will also have to be found to make resources available to stakeholders to engage to the extent they wish to, and need to if a wide range of people are to buy into decisions. As our chairman for the day put it, now that DAD ('decide, announce, defend') is dead, we have to find a way to cope with UNCLE ('unlimited nuclear consultation leads to exhaustion').

In the questionnaires distributed by CIRIA we were asked whether a SAFEGROUNDS conference should be an annual event. I certainly hope it will be because it was a very interesting, useful and enjoyable day.

Marion Hill

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