

NUCLEAR REACTORS (ENVIRONMENTAL IMPACT ASSESSMENT FOR DECOMMISSIONING) REGULATIONS 1999 (as amended)

The Executive's regulation 13 determination for Berkeley Nuclear Power Station

DECISION REPORT

Introduction

1. This document reports on the Health and Safety Executive's (HSE) determination that an Environmental Impact Assessment is not required for the change to the reactor decommissioning project at Berkeley Nuclear Licensed Site (Berkeley). The change to the project is to construct a purpose built Intermediate Level Radioactive Waste (ILW) store rather than convert Berkeley's Reactor 2 Blower House basement into an ILW store. This determination is made under regulation 13 of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (as amended) (EIADR).
2. Regulation 13 of the EIADR requires that HSE must in writing inform the licensee and the Secretary of State of its decision; it must inform the public of its decision by publishing a notice in a local newspaper or by other such means, stating the main reasons on which the decision is based.

Background

3. Berkeley (which is in Gloucestershire) began generating power in 1962 and after 27 years of operation was shutdown in 1989. De-fuelling commenced in 1989 and was completed in 1992. Berkeley was the first commercial nuclear power station in the UK to commence decommissioning. The original decommissioning project proposed to convert Reactor 2 Blower House basement into an ILW store for the storage of packaged ILW that has historically arisen on the Berkeley site. Magnox Electric Ltd (the licensee of Berkeley) plan to change their decommissioning project to construct a purpose built ILW store on Berkeley, for the storage of packaged ILW.

The Regulations

4. European Council Directive 85/337/EEC (the Directive), as amended by Council Directive 97/11/EC and Council Directive 2003/35/EC, sets out a framework for the assessment of the effects of certain public and private projects on the environment and on public participation in respect of these. The Directive is implemented in Great Britain for decommissioning nuclear reactor projects by the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999, as amended by the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 (collectively EIADR in this report). Many other categories of project listed in the Directive are implemented by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The competent authority for EIADR in Great Britain is the HSE.

5. The intention of the Directive and EIADR is to involve the public through consultation in considering the potential environmental impacts of a decommissioning project, and to make the decision-making process on granting consent open and transparent.

Application of the regulations

6. The EIADR apply to all decommissioning projects that began after the EIADR came into force on 19 November 1999. The EIADR require the licensee to undertake an environmental impact assessment (EIA), prepare an environmental statement that summarises the environmental effects of the project, and apply to the HSE for consent to carry out a decommissioning project. The EIADR also apply to existing decommissioning projects (those that commenced prior to 19 November 1999) that are subject to a change or extension, which may have significant adverse effects on the environment. In cases where a project is subject to such a change, the licensee must apply to HSE for a determination as to whether an EIA is required and if one is, the EIADR apply, as for a new project.

Town and Country Planning legislation

7. Where there are new structures to be built or substantial alterations to buildings, then these developments will require planning consent. This will be obtained from the local planning authority, i.e. projects that require planning consent at Berkeley include the construction of the radioactive waste store building. This is regulated under the Town and Country Planning Act 1990 and enforced by the relevant local planning authorities. The construction of the ILW store at Berkeley also required environmental impact assessment under the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999, which are administered by the Local Planning Authorities. Those Regulations implement the same Directive as EIADR.

The determination

8. The licensee of Berkeley, Magnox Electric Ltd, requested a determination under regulation 13 of EIADR in May 2007 for the change to the decommissioning project at Berkeley for the construction of a purpose built ILW store for the storage of waste from that site. The construction of the ILW store is also subject to the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999. In May 2007 the Licensee applied to the local planning authority, Gloucestershire County Council for planning permission for the construction and operation of an ILW store. The planning application was accompanied by an environmental statement. Gloucestershire County Council undertook a consultation on the application and associated environmental statement which included the consultation bodies (Natural England, Environment Agency and Stroud District Council) and other organisations, including HSE. The licensee submitted the planning application and associated environmental statement to Gloucestershire County Council in parallel to submitting a regulation 13 determination to HSE. Following its consultation Gloucestershire County Council granted consent for the construction of the ILW store on 13th August 2007. Further details on the consent are available at:
http://planning.gloucestershire.gov.uk/PublicAccess/tdc/DcApplication/application_detailview.aspx?caseno=JFZ6XBHN00600
9. From its consideration of the Environmental Statement originally submitted in support of the planning application under the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999, HSE was of the opinion that additional information was required to enable a determination under EIADR to be made. HSE therefore requested information which related to the environmental impacts

associated with the demolition of the ILW store and the cumulative effects of the decommissioning project to existing developments or works. The licensee provided this information in July 2007.

The main reasons on which the determination is based

10. HSE took the following relevant factors into account when reaching its determination that an EIA is not required under EIADR. In brief, these were the adequacy of the information provided in the environmental statement submitted under the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 1999 and the adequacy of the additional information provided in support of the determination.
11. In HSE's view, the environmental statement and the additional information summarised all the environmental impacts associated with the construction, operation and demolition of the ILW store, in accordance with Schedule 1 and included:
 - Air Quality and Dust
 - Archaeology
 - Ecology
 - Geology, Hydrogeology and Soils
 - Landscape and Visual
 - Noise and Vibration
 - Socio-Economic
 - Surface Waters
 - Traffic and Transport
12. Archaeological impacts were excluded from the demolition assessment due to the demolition activities taking place within an area already disturbed by the construction of the ILW store. Socio-economic impacts were also excluded from the demolition assessment as the generation of the additional employment during demolition is not considered significant due to the size of the baseline workforce in the area.
13. The environmental statement and additional information summarised all the environmental impacts describing their magnitude in terms of major, moderate, slight or negligible impacts, and their significance in terms of key significant, significant or not significant. There were seven areas where significant adverse impacts were identified. These were air quality and dust, ecology, geology hydrology and soils, landscape and visual, noise and vibration, surface waters and traffic and transport. These effects varied in magnitude and duration. Mitigation measures are proposed to mitigate significant adverse impacts during the project. With the exception of landscape and visual, traffic and transport and noise and vibration, appropriate mitigation measures have been identified in the assessment to render any long-term effects not significant.
14. The construction and demolition of the ILW store will result in an increase in HGV traffic travelling through the centre of Berkeley town. There is no acceptable alternative route by which the additional traffic can travel to and from the wider road network and therefore some impact is unavoidable for a short period of time. In relation to visual impacts, there will be significant adverse visual impacts during construction and on completion of the ILW store from a limited number of viewpoints. Planting is proposed to mitigate the visual impact of the ILW store but this will take some time to be effective (i.e. 20 years). During demolition of the ILW store the proposed planting will partially screen

some of the demolition work. Significant short-term visual impacts will remain due to view of cranes and other high-level demolition activities. It is not considered necessary to implement specific measures to mitigate against these temporary impacts. The predicted noise levels associated with the construction and demolition of the ILW store indicated that there will be significant adverse noise impacts at a small number of nearby receptors. Mitigation measures are therefore proposed, however, even with mitigation some adverse noise impacts may remain. The effect of the noise mitigation can only be assessed once detailed working methods are determined.

15. The licensee has indicated that monitoring of the effectiveness of these mitigation measures will be discussed with the relevant bodies as appropriate. This will include the County Council in respect of traffic and the District Council in respect of noise.
16. Gloucestershire County Council carried out a consultation with the consultation bodies and other organisations on the environmental statement submitted under the Town and Country Planning Act 1990. HSE decided that as the impacts assessed in the Town and Country Planning submission and the EIADR submission were not significantly different, further consultation was not required under EIADR.

Transparency of the determination

17. HSE's determination will be published in notices in the locality of Berkeley power station, namely The Dursley Gazette, The Gloucestershire Citizen, The Forest of Dean and Wye Valley Review and The Forester as required by regulation 13(5)(b).
18. This report will be sent to the licensee and made available on HSE's web-site (www.hse.gov.uk/nuclear/index.htm).

Contact

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