

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

## The Executive's regulation 13 determination for Windscale Piles Decommissioning Project

### 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 Windscale Piles Reactor Decommissioning Project at the United Kingdom Atomic Energy Authority (UKAEA) Windscale Nuclear Licensed Site. The change is an acceleration to the project which will speed up some operational aspects and remove the care and maintenance period.
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. At the Windscale Nuclear Licensed Site (located at Sellafield in Cumbria) three nuclear reactors have been operational over the lifetime of the site:
  - Windscale Advanced Gas-cooled Reactor (WAGR)
  - Windscale Pile 1
  - Windscale Pile 2

This determination relates only to the decommissioning of Windscale Pile 1 and Pile 2. The Licensee has not currently identified any changes or extensions to the WAGR decommissioning project which may cause significant adverse effects and would therefore require an application for a determination.

4. Pile 1 became operational in 1950 and Pile 2 became operational in 1951: Following the fire in 1957 operation ceased. Decommissioning started in the early 1980's. In June 2006 a new Pile 1 operational safety case was approved by HSE's Nuclear Installations Inspectorate, a downgrading in the hazard classification of the Pile 1 reactor has allowed an accelerated strategy to be formulated. The change to the project is to accelerate the project, saving 40 years in the lifetime of the project by removing the care and maintenance period and speeding up some operational aspects. This determination is made under regulation 13 of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999, as amended (EIADR).

#### The Regulations

5. 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

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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.

6. 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***

7. 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***

8. 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. This is regulated under the Town and Country Planning Act 1990 and enforced by the relevant local planning authorities.

### **The determination**

9. The licensee of the Windscale Nuclear Licensed Site, UKAEA, requested a determination under regulation 13 of EIADR in May 2007 for the change to the Windscale Piles decommissioning project. The change is an acceleration to the project which will speed up some operational aspects and remove the care and maintenance period.
10. From its consideration of the screening report, 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 clarification that land remediation had been included in the scope of EIADR project and confirmation of the removal of a section of hedgerow from the site. The licensee provided this information in October 2007.

### **The main reasons on which the decision is based**

11. HSE took 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 screening report and the adequacy of the additional information provided in support of the determination.

12. In HSE's view, the screening report and the additional information summarised all the environmental impacts associated with the acceleration of the decommissioning project, in accordance with Schedule 1. The areas assessed in the screening report were
- Traffic and Transport
  - Air Quality and Climate
  - Cultural Heritage
  - Geology, Hydrogeology and Soils
  - Surface Waters
  - Ecology
  - Landscape and Visual
  - Noise and Vibration
  - Socio-Economic
  - Use of Natural Resources
  - Waste and Radioactive discharges
13. The screening report identifies that there are no significant adverse effects relating to any of the above environmental aspects, with the exception of socio-economic which is discussed below.
14. The screening report identifies that the accelerated strategy could have a significant socio-economic effect as there will be changes to the total number of staff required and number of staff required in individual years. The employment at Windscale represents a small proportion of the total Sellafield employment (160 at Windscale compared to 12,000 at Sellafield), with the employment trend at Sellafield being one of significant decline. Therefore the magnitude of the additional change is relatively small in the context of Sellafield. The Licensee has committed to encourage the use of local services and source materials, in addition the proposed incorporation of UKAEA Windscale into Sellafield Ltd would improve the prospects for personnel to be redeployed at Sellafield.
15. The scope of the project for EIADR includes land contaminated as a result of operations. From the screening report it wasn't clear that land remediation had been included as part of the project. Clarification was requested and received from UKAEA to confirm that land remediation had been included in the scope and that this phase of the project has been screened for adverse effects resulting from the change to the project. The result of this screen was that the accelerated decommissioning process was not considered to have the potential to cause additional contamination to soils.
16. Clarification was requested to ascertain if the removal of the hedgerow and large portion of grassland is a change to the original project. The original baseline was not able to provide the detail to ascertain whether or not this was a change to the project, therefore the assessment took a precautionary approach and assumed that it was a change. The licensee has agreed to not remove the hedgerow in breeding bird season.
17. HSE consulted the Environment Agency as part of the regulatory partnership working on the site. As the determination was based on the socio-economic effects and the Urban regeneration company; West Lakes Renaissance facilitates consultation between the licensee and the relevant statutory consultees it was decided that no further consultation was required under EIADR .

### **Transparency of the decision**

18. HSE's determination will be published in notices in the locality of Windscale Nuclear Licensed Site, namely the News and Star, North West Evening Mail, the Times and Star and the Whitehaven News as required by regulation 13(5)(b).

19. This report will be sent to the licensee and made available on HSE's web-site ([www.hse.gov.uk/nuclear/index.htm](http://www.hse.gov.uk/nuclear/index.htm)).

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