

| <b>Second Consultation on LMGv2– Log of comments and responses</b>   |                            |  |   |
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| <b>Name</b>  | <b>Organisation</b>        | <b>Comments</b>  | <b>Response</b>   |
| <b>Question 1: Do you agree that LMGv2 should contain only low key statements about its status? If not what should it contain?</b> |                            |  |   |
| Jack Armitage  | NUKEM Limited              | Agree  | Noted. PSG agreed to delay decision on status statement until late in drafting. |
| John Kelly   | Oxfordshire County Council | Yes  | Ditto.  |
| Claire Gallery-Strong  | BNG SL                     | Yes  | Ditto.  |
| Mike Pearl   | UKAEA                      | Neutral (Don't really see this as being significant)   | Ditto.  |
| A N Other  | CBO                        | LMGv2 should continue to have simple mention of stakeholder involvement. The pathway to the extent of involvement should be accessible in the records if questioned.   | Ditto.  |
| Steve Moreby   | Gloucester City Council    | Broadly yes. It would probably be helpful to expand a little on what is currently included, perhaps indicating that while the document is in no way binding, all contributing organisations stated that they would 'have regard to the guidance contained in the document', in their decision making, assuming that this is indeed the case. This would give a flavour of a little more support and commitment to the document, compared to the current text, which risks looking a little ambivalent. | Ditto.  |
| Peter M Booth  | Nexia Solutions            | I agree that the statements should be low key and yes there should ideally be a greater agreement amongst participants. However, I still feel the status statement is a bit negative and it would be nice if some words could be introduced which at least encourages the use of the guidance.   | Noted. PSG agreed to delay decision on status statement until late in drafting. |
| Raymond Dickinson  | Defence Estates            | No. The wording of the key principles was a heavily debated and I question whether there is a greater degree of agreement amongst participants. From a Defence Estates/MOD perspective I would like to keep the statement in a prominent position.   | Ditto.  |

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| Mark Hill   | Defence Estates            | No. The wording of the key principles was a heavily debated and I question whether there is a greater degree of agreement amongst participants. From a Defence Estates/MOD perspective I would like to keep the statement in a prominent position.  | Ditto.                                     |
| Colette Grundy  | Environment Agency         | Yes I agree that LMGv2 should contain only low key statements.  | Ditto.                                     |
| Hugh Richards   | Magnox Electric Ltd        | The question is understood to be about presentation rather than content i.e. 'low key' means 'low profile' rather than 'open to interpretation' or 'non-controversial'. The proposed statement in Section 1.3 is satisfactory, as its positioning/prominence within the guidance. That said, the second bullet could usefully be amplified to read '... has no legal or regulatory standing.' | Ditto.                                     |
| Shelly Mobbs  | Health Protection Agency   | Agree with proposal for low key statements.   | Ditto.                                     |
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| <b>Question 2: Do you think that the wording of the key principle on stakeholder involvement should be changed? If so, what wording should be used?</b> |                            |   |  |
| Jack Armitage   | NUKEM Limited              | Change to make consistent.  | See summary of comments and PSG decisions. |
| John Kelly  | Oxfordshire County Council | No.   | Ditto.                                     |
| Claire Gallery-Strong   | BNG SL                     | Yes. Suggest "Site owners/operators should engage with all key stakeholders in the planning and decision making processes for the management of contaminated land and document the process, detailing how management options are decided on."   | Ditto.                                     |

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| Mike Pearl        | UKAEA                   | Yes. The first part ONLY of the original wording of this KP is acceptable ie "Site owners/operators should develop and use stakeholder involvement strategies in the management of contaminated land." With the explanation of what involvement means suggested in the outline for LMG2 ie "Involvement includes communication, provision of information, consultation and participation in decision-making processes. It does not include taking final decisions on how to manage contaminated land because these are always the sole responsibility of the site owner or operator". As a key principle the second part (ie "who is to be involved and the extent of their involvement should be agreed with the relevant stakeholders") is not relevant. | Ditto.  |
| A N Other         | CBO                     | I approve of the example beginning: 'site owned/operation' in the example you gave me.   | Ditto. (But this comment requires clarification.) |
| Steve Moreby      | Gloucester City Council | No, the current wording seems appropriate.   | Ditto.  |
| Peter M Booth     | Nexia Solutions         | Yes, a possible suggestion is; "Site owners/operators should involve an appropriate range of stakeholders within the various stages of contaminated land management."  | See summary of comments and PSG decisions.        |
| Raymond Dickinson | Defence Estates         | Yes the wording should be changed. Suggested wording: 'Site owners/operators should involve a range of stakeholders in the planning and decision-making processes for the management of <b>land contamination</b> . Who is to be involved and the extent of their involvement should <b>relate to the technical and societal significance of the land contamination.</b> '   | Ditto.  |
| Mark Hill         | Defence Estates         | Yes the wording should be changed. Suggested wording: 'Site owners/operators should involve a range of stakeholders in the planning and decision-making processes for the management of <b>land contamination</b> Who is to be involved and the extent of their involvement should <b>relate to the technical and societal significance of the land contamination.</b> '<br><br>The Environment Agency and others are now making the distinction between statutory and non statutory contaminated land as defined under Part IIA by referring to the latter as land contamination.   | Ditto.  |

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| Colette Grundy   | Environment Agency                                      | I think the wording probably should be changed to add clarity. However, I think this is best discussed and reviewed in a PSG meeting.  | Ditto.                                     |
| Hugh Richards    | Magnox Electric Ltd                                     | Emphatically yes, it should be changed. The word 'participation' in KP2 has undermined the uptake of SAFEGROUNDS guidance among some site licensees, for the reasons recognised in the consultation document. The approach to rewording KP2 proposed in the consultation document is appropriate. The suggested new wording is satisfactory. A related issue is that KP3 implies that assessment of options should (always) be 'consultative'. As LMGv2 proposes to identify 'options' at a lower level than strategies, is this still appropriate?  | See summary of comments and PSG decisions. |
| Richard Bramhall | LLRC  | In 3 <i>Overview</i> the 7 <sup>th</sup> bullet says the "s/h involvement strategy should be tailored to the situation". Who will be doing the cutting and stitching? I should feel more confidence in SLCs' intentions if they'd agree to a KP which established a presumption of broad and inclusive involvement. My suggested wording is: "Site owners and operators should involve a range of stakeholders in the planning and decision making processes for the management of contaminated land. The most sustainable decisions will be obtained by including a broad range of stakeholders and by considering the resource needs of different classes of stakeholder. Who is to be involved and the extent of their involvement should be agreed by with the relevant stakeholders." | Ditto.                                     |
| Paul Dorfman     | University of Warwick / National Centre for Involvement | One of the core issues here concerns re-writing a core tenet of SAFEGROUNDS, that came about with the involvement of a broad range of diverse stakeholders right at the beginning of the process. The issue concerns involvement in decision making. In support of this I attach the Aarhus Convention. I am concerned that there is potential for an element of retrenchment from a founding aspect of the network - Principle 2 evolved through a broad and extensive stakeholder involvement strategic input and should not be changed.   | See summary of comments and PSG decisions. |

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| Shelly Mobbs   | Health Protection Agency   | I favour text that includes a broad range of stakeholders, and in which the extent of their involvement is agreed with stakeholders. It is important to be clear what involvement means in terms of expectations for both stakeholders and site owners. My preferred wording is: "Site owners/operators should involve a <u>broad</u> range of stakeholders in the planning and decision-making processes for the management of contaminated land. Who is to be involved and the extent of their involvement should be agreed with the relevant stakeholders."   | Ditto.   |
| <b>Question 3: Do you agree with this proposal or would you prefer LMGv2 to recommend another type of approach to levels of protection from radioactively contaminated land (please state which type)?</b> |                            |  |  |
| Jack Armitage  | NUKEM Limited              | Case by case basis as calculated using RCLEA, RECLAIM or other suitable method.  | Noted.   |
| John Kelly   | Oxfordshire County Council | Agree  | Noted.   |
| Claire Gallery-Strong  | BNG SL                     | Yes  | Noted.   |
| Mike Pearl   | UKAEA                      | Stay as is – ie site by site approach  | Noted.   |
| Steve Moreby   | Gloucester City Council    | The text used in 6.2 appears acceptable. The final para refers to land being considered under Part 2A, which does not meet the definition of radioactively contaminated land. While the text does describe the legal obligation and likely stakeholder desire to seek further risk reduction/management, it only presents part of the issue. If the land does not meet the legal definition for Part 2A then no regulatory authority has powers to compel the landowner to act and any works would have to be voluntarily undertaken by the landowner(s) involved. It might be informative to include this in the text | Noted. The situation for land that does not meet Part 2A will be more fully explained. |
| Peter M Booth  | Nexia Solutions            | I still feel that this is the most practical approach.   | Noted.   |
| Raymond Dickinson  | Defence Estates            | Agree with a 'case by case' assessment but disagree with inclusion of last sentence in 6.2, last bullet point as it is just conjecture   | Noted. The situation for land that does not meet Part 2A will be better explained.     |

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| Mark Hill   | Defence Estates            | Agree with a 'case by case' risk based assessment that is consistent with the approach under Part IIA, but disagree with inclusion of 6.2, last bullet point, last sentence as it is just conjecture.  | Ditto.  |
| Colette Grundy  | Environment Agency         | Agree with the approach suggested. We would expect the ICRP approach to be adopted as a matter of routine, but it is reasonable that uncertainties in impacts of some emitters are taken into account.   | Noted.  |
| Hugh Richards   | Magnox Electric Ltd        | The proposal is sensible.  | Noted.  |
| Shelly Mobbs  | HPA                        | Agree with proposal.   | Noted.  |
| <b>Question 4: Do you think these statements about the approach to levels of protection from non-radioactively contaminated land will be satisfactory? If not, what should be said?</b> |                            |  |   |
| Jack Armitage   | NUKEM Limited              | Yes, satisfactory  | See summary of comments and PSG decisions.  |
| John Kelly  | Oxfordshire County Council | Agree with one land management strategy  | Ditto.  |
| Claire Gallery-Strong   | BNG SL                     | No – CLR11 should be followed  | Ditto.  |
| Mike Pearl  | UKAEA                      | No. The overall strategy and approach for managing radioactive and chemical contaminated land is based on protection of human health and the environment. Many aspects of CLR 11 are consistent with SAFEGROUNDS and are incorporated into SAFEGROUNDS flow diagrams already eg desk study, conceptual model development (understanding the problem and its impacts), assessing the problem against criteria (which in CLR 11 is a risk assessment), deciding on what needs doing, doing it and validating it. Also keeping records and stakeholder involvement. The issue here is only the assessment criteria. There's no need to adjust the criteria for chemical contamination to match that for radiological – just recognise the difference and justify the preferred management option based on significance of potential impact to human health and the environment. | Ditto. But note that there is no requirement for stakeholder involvement (in the SAFEGROUNDS sense) in CLR11. |

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| A N Other         | CBO                     | Low Level Radiation Campaign has written numerous reports on site far away from main site boundaries. These areas are subject to wind and tides. Some statement acknowledging the concern should be included.   | Outside scope of LMG.  |
| Steve Moreby      | Gloucester City Council | The text under 6.3 could be expanded in a number of ways. Part 2A makes the Local Authority responsible for determining whether they consider significant possibility of significant harm exists. It also states they must consider authoritative and scientifically based guidance in making their decision. The 'criteria' are not absolute, in the sense that no UK wide criteria have been published, rather every site being considered as a potential Part 2A site should undergo a site specific detailed risk assessment. In a Part 2A context the advice currently included on sites containing both rad and non-rad contamination is problematic, and may present legal issues. Namely, the advice to agree with stakeholders what represents 'unacceptable risk' (assuming the texts use of radioactive contamination refers to non-statutory levels!). This refers to the point above requiring Local Authorities to have reference to authoritative and scientifically based guidance. | See summary of comments and PSG decisions. Points about legal problems will be taken into account in redrafting. |
| Peter M Booth     | Nexia Solutions         | I think these statements are adequate.  | Noted.   |
| Raymond Dickinson | Defence Estates         | Disagree. The experts can not agree on the SGV let alone involving laypeople in the decision making. For sites which are not 'nuclear sites' then the CLR 11 approach should be adopted as the default for both types of contamination.   | See summary of comments and PSG decisions.   |
| Mark Hill         | Defence Estates         | Disagree. The experts can not agree on the SGV let alone involving laypeople in the decision making. For sites which are not 'nuclear sites' then the CLR 11 approach should be adopted as the default for both types of contamination. As Part IIA has been extended to cover radioactively contaminated land it is essential that the approach detailed in LMG V2 both reflects this and is consistent with CLR11.  | See summary of comments and PSG decisions.   |
| Hugh Richards     | Magnox Electric Ltd     | Yes, these statements will be satisfactory. LMGv2 should point out that CLR-11 also advocates effective risk communication with stakeholders and stakeholder engagement in general (e.g. pages 8 & 9 of CLR-11).  | Ditto. But note that CLR11 does not require stakeholder involvement in the SAFEGROUNDS sense.                    |

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| Colette Grundy   | Environment Agency         | Agree that a comparison of the approach to radioactive contaminated land, and that in CLR11 would be useful. Also that a single approach should be taken on sites with mixed contamination. We suggest that a conclusion on which approach should be taken under these circumstances would best be taken after the comparative analysis.   | Noted.  |
| Shelly Mobbs   | HPA                        | Agree with proposed approach.  | Noted.  |
| <b>Question 5: Is there any other guidance that should be given about keeping records in the long term (decades and longer)?</b> |                            |  |   |
| John Kelly   | Oxfordshire County Council | For radioactivity perhaps the retention should be longer   | Noted.  |
| Claire Gallery-Strong  | BNG SL                     | No   | Noted.  |
| Mike Pearl   | UKAEA                      | <p>(a) Provision for capturing, maintaining and preserving records in the long term and for ensuring that the information in the records can be readily accessed (ie it's no good preserving a record if no-one knows it exists and can find it. Thus "information about information" (metadata) needs to be appropriately detailed so that when a records database is searched, relevant records are found.</p> <p>(b) "site owners should keep detailed records about the management of contaminated land throughout the time that they own the land and should pass the records to new owners when the land is sold" - This should be amended. Duplicate copies may be required kept at separate locations. One of these locations might be a National (or Local Authority) Archive and the other being on the site.</p> <p>(c) Recognition that the records will need to reflect a site layout and boundaries which may not coincide with the original boundaries as they may change through time.</p> | Will include those points of principle that are not covered in the supporting document on record keeping (see summary of comments and PSG decisions). |
| A N Other  | CBO                        | I think there is a moral if not legal requirement to chart the development of these historically significant documents.  | Noted.  |
| Steve Moreby   | Gloucester City Council    | No comments.   | Noted.  |

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| Peter M Booth     | Nexia Solutions     | IAEA Technical Report Series no 450 has a section on long term record keeping  | Will look at and perhaps reference.  |
| Raymond Dickinson | Defence Estates     | Under polluter pays legislation the site owner would leave themselves in a weak position to defend themselves against future claims if they do not keep a record of the condition of the land at the time of sale/transfer.  | Noted.   |
| Mark Hill         | Defence Estates     | Under polluter pays legislation the site owner would leave themselves in a weak position to defend themselves against future claims if they do not keep a record of the condition of the land at the time of sale/transfer. Equally records of indemnities, warranties and conditions of sale/transfer of land should be kept especially if they transfer the liability for funding the remediation of a site from the polluter. | Noted.   |
| Colette Grundy    | Environment Agency  | HSE NII re Appendix 7 on Records for Radioactive Waste Management and Decommissioning<br><a href="http://www.hse.gov.uk/nuclear/waste1.pdf">http://www.hse.gov.uk/nuclear/waste1.pdf</a>   | Noted but the up to date reference for nuclear-licensed sites is presumably the 2006 HSE SAPs. |
| Hugh Richards     | Magnox Electric Ltd | No.  | Noted.   |
| Shelly Mobbs      | HPA                 | No suggestions.  | Noted.   |

## SECTION SPECIFIC COMMENTS

| Name                                      | Organisation            | Section      | Para etc                | Page | Comment  | Response  |
|---|-------------------------|--------------|-------------------------|------|--|---|
| <b>PART 1 – INTRODUCTION AND OVERVIEW</b> |                         |              |                         |      |  |   |
| Raymond Dickinson                         | Defence Estates         | Introduction |                         | 4    | MOD had a programme of work to assess land quality across the defence estates to ensure that it is suitable for use and not causing harm to human health or the environment (in Part 2A terms). The text needs changing to reflect this.   | Will amend text to reflect.   |
| Richard Bramhall                          | LLRC                    | 1.4          | Second bullet           | 5    | There is no reference to David Collier's paper, even in the list of SAFEGROUNDS documents (Outline 1.4). I hope this will be redressed.  | See summary of comments and PSG decisions.  |
| Steve Moreby                              | Gloucester City Council | 1.5.1        |                         | 5    | <u>Section 1.5.1</u> – I would favour making even clearer the difference between the way this document defines and uses the terms listed, with their more widely understood definition under UK law.   | Reference will be made to the regulatory framework paper where all the definitions are given. |
| Claire-Gallery Strong                     | BNG SL                  | 1.5.2        |                         | 6    | Definitions are very good however would like groundwater to be more explicit in definition   | Will mention in accompanying text.  |
| Raymond Dickinson                         | Defence Estates         | 1.5.4        |                         | 6    | They (stakeholders) <b>can</b> include .....   | Disagree.   |
| Raymond Dickinson                         | Defence Estates         | 2            |                         | 7    | Key principle 4. Monitoring is an acceptable management option. This should be reflected in the main text  | See Section 10.3, where monitoring is explicitly mentioned.                                   |
| Mike Pearl                                | UKAEA                   | 2            | Principle 4 Description | 7    | “Immediate Action” captures the sense that contaminated land issues shouldn't be put off until the final solution has been found. However, when describing this principle, reference should be made to the flow diagram (Complex sites) where some sense of relative priority is discussed | There will be no description of the principles. The point is made in Sections 3 and 10.       |

| <b>Name</b>           | <b>Organisation</b> | <b>Section</b> | <b>Para etc</b> | <b>Page</b> | <b>Comment</b>   | <b>Response</b>  |
|-----------------------|---------------------|----------------|-----------------|-------------|--|--|
| Claire-Gallery Strong | BNG SL              | 3              | Figure 1        | 9           | End State – define it please, this is the first time it appears. Also, deciding on an end state should be part of formulation of plans. Use of 'final end state' implies that there are interim end states.        | End-state will be defined in the full draft. and the process of deciding on it for nuclear sites will be described (with references). There can be interim end-states. |
| Colette Grundy        | Environment Agency  | 3              |                 | 10          | Suggest replace envisageable with feasible   | Disagree (see LMGv1).  |
| Claire-Gallery Strong | BNG SL              | 3              | Bullet point 4  | 10          | Disagree that final end state may require no further action. Currently the end state for many sites envisage institutional control which implicitly suggests that there will be some ongoing need for intervention | The final end-state is defined to be that requiring no further action. All others are interim end-states.  |

| Name   | Organisation            | Section | Para etc      | Page | Comment   | Response   |
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| Mike Pearl   | UKAEA                   | 3       | Flow diagrams | 9-14 | The agreed output to the flow diagrams consultation – as shown on the website (Date 5 April, 2007) are: (i) a ‘generic’ diagram, for use in the early sections of LMGv2 to introduce the overall process of managing contaminated land; (ii) a ‘complex sites’ diagram, which applies to all sites where there are several areas with different types of radioactive and non-radioactive contamination (eg most nuclear sites, large non-nuclear defence sites); and (iii) a ‘simple sites’ diagram, which applies to sites with only one or two types of radioactive and non-radioactive contamination, spread site-wide or restricted to a few areas (eg smaller defence sites, many industrial sites). Yet in LMG2 (p9-14) they’ve been referred to as “complex” and “very complex”, which is confusing and not as agreed. Use the agreed terminology in LMG2. | Will change – see summary of comments and PSG responses.   |
| <b>PART 2 – GUIDANCE FOR THE WHOLE PROCESS OF MANAGING CONTAMINATED LAND</b> |                         |         |               |      |   |  |
| Steve Moreby   | Gloucester City Council | 4       |               |      | Section 4 – Has it been made sufficiently clear when sites might fall into the generic, complex, very complex site categories?  | Will be redrafted in line with decision to use 2 flow diagrams. Note that the intention is to recommend users to devise their own diagrams, not place their site in a particular category. |

| Name                  | Organisation       | Section | Para etc               | Page | Comment   | Response   |
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| Claire-Gallery Strong | BNG SL             | 4       | Table 1                | 11   | The stages, if going to be in this table, should be able to be read across. There is a lot of referencing to go as stage 6 for one figure does not equate to stage 6 for another. I found it complicated to follow. I would prefer not to have the table at all.  | The table will be removed because it will not be required (see summary of comments and PSG decisions).                       |
| Colette Grundy        | Environment Agency | 4       | 6 <sup>th</sup> bullet | 11   | Suggest reference be made to the NDA specification and guidance for Integrated Waste Strategy documents, and also to their prioritisation mechanism (covering contaminated land projects).  | Section 4 is intended to be general. References will be added in Section 11.1.2, on nuclear-licensed sites.                  |
| Colette Grundy        | Environment Agency | 5       | Bullet 1               | 17   | It is not clear why this point is limited to radioactively contaminated land – suggest it should be broadened to cover any contaminated land.   | Because LMGv2 only applies when there is radioactively contaminated land on a site.  |
| Colette Grundy        | Environment Agency | 5       | Bullet 6               | 17   | Part 2A RCL does not apply to NLSs yet.   | Comment not understood. Reference is to non-licensed nuclear sites.  |
| Colette Grundy        | Environment Agency | 5       | Bullet 7               | 17   | RSA applies for the disposal of radioactive wastes from land investigations and remediation on all sites – not simply 'other' sites.  | Yes, but this bullet is about 'other' sites.   |
| Colette Grundy        | Environment Agency | 5       | Table 2                | 18   | Whilst MoD is exempt from RSA the EA does have an agreement in place to ensure equivalent administrative arrangements exist – it would be useful to include some footnote to explain this (otherwise it would appear that RSA issues are not relevant considerations for dealing with any radioactive wastes issues from MoD sites and that the EA would have no interest). | This is all explained in the regulatory framework paper, to which the text refers. There is no need to add this detail here. |

| Name                  | Organisation       | Section     | Para etc                 | Page | Comment  | Response  |
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| Mike Pearl            | UKAEA              | 5           | Table 2                  | 18   | Needs to also refer to Environment Act 1995, and Contaminated Lands Regs (2000 and 2006) [and those for Scotland and England and Wales]  | No. All the details are in the regulatory framework paper. The table only gives the principal regulatory regimes. |
| Claire-Gallery Strong | BNG SL             | 6.1         | Bullet point 6           | 21   | Is there a spelling error - highest level 'of' protection  | Yes, will correct.  |
| Colette Grundy        | Environment Agency | 6           | Bullet 4<br><br>Bullet 6 | 21   | In 4 <sup>th</sup> bullet we suggest that the guidance be expanded to make explicit the need for consideration of climate & landscape change (including flood risk). Similarly, 6 <sup>th</sup> bullet point should include reference to the need for adaptation plans to enable site operators / owners to respond to changes in knowledge / rate / characteristics of climate and landscape change (including flood risk). | This point is for the supporting document on risk assessment.<br><br>This point will be addressed in Section 11.  |
| Richard Bramhall      | LLRC               | 6.2 and 6.3 |                          | 21   | I am generally happy with the approach to the text about Protection of People and Environment. However, 6.2 and 6.3 are very difficult to understand. I hope the Citizens' Guide will help.  | Will try to redraft Sections 6.2 and 6.3 to make more easy to understand.   |

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| Ray Dickinson         | Defence Estates | 6.2     |                | 21   | <p>There are well established tolerability criteria for individual risk, both for workers and for members of the public, which are:</p> <ul style="list-style-type: none"> <li>• The annual risk of death for workers from work activities should be less than 1 in 1000</li> <li>• The annual risk of death for members of the public who are exposed to an involuntary risk from work activities should be less than 1 in 10,000</li> </ul> <p>For both workers and the public, an annual risk of death from an industrial activity of below 1 in 1,000,000 is considered to be a very low risk and comparable with those that people consider insignificant or trivial in their everyday lives. Going beyond the 1 in a million per year risk level for contaminated land has the potential to undermine the UK radioactive waste management strategy (or lack of it) and individual/societal risk strategy. The UK is running out of places to store radioactive waste. Once Drigg is filled up then we are faced with lots of smaller temporary store scatter around the country and the associated hazards. The text needs to be reviewed.</p> | <p>The text on the 1 in a million criterion is consistent with HSE, Defra, EA and HPA policy and guidance.</p> <p>The statements about radioactive waste are beyond the scope of LMGv2 and SAFEGROUNDS.</p> |
| Claire-Gallery Strong | BNG SL          | 6.2     | Bullet point 2 | 22   | <p>Don't agree with the recommendation. Use ALARA approach below 3 mSv per year. Why would you carry on below this level??</p>   | <p>The recommendation is to assess options below 3mSv, which is consistent with ICRP and HPA guidance on 'intervention'.</p>  |

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| Colette Grundy   | Environment Agency    | 7       | Bullet 3                                   | 23   | Bullet 3 meaning of text in brackets is unclear   | It is a reference to a document. Format will be changed in full draft.  |
| Richard Bramhall | LLRC                  | 7.1     | 7 <sup>th</sup> and 8 <sup>th</sup> bullet | 23   | I see that the draft has lost some of what LMGv1 said about resources for NGO/CBO stakeholders. The 7.1 7th and 8th bullets are weak on communicating with and resourcing them. We should be enhancing this aspect, especially on signposting independent/ alternative advice and on the need for resources to enable stakeholders to obtain it. That's why I put resources into my revised Key Principle 2. This is more important than I had perceived, as it's now clear that the SLCs will be responsible for stakeholder involvement on issues like waste strategy as well as land management. | See summary of comments and PSG decisions. And note that this text is for all types of site. There can be no question of resourcing stakeholders at most types of site (because no-one has the money or responsibility to do so). |
| Richard Bramhall | LLRC                  | 7.2     | 3 <sup>rd</sup> bullet                     | 24   | The emphasis on SSGs (7.2 3 <sup>rd</sup> bullet) is not welcome without some caveat about problems of SSG culture and imbalance and about the difficulty of identifying grassroots (i.e. non-SSG) stakeholders and recruiting and retaining them. David Collier's stakeholder paper (as I remember it) is adequate on this, but the issue needs to be at the level of the text, not in a supporting document and especially one which isn't cited in the present draft.  | See summary of comments and PSG decisions. Text will be redrafted to make it clearer that stakeholder involvement should go beyond SSGs.  |
| Paul Dorfman     | University of Warwick | 7.2     | 3 <sup>rd</sup> bullet                     | 24   | Concerns about the current form and function of SSGs expressed many times within the network  | Ditto.  |

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| Richard Bramhall      | LLRC         | 7.2     | 4 <sup>th</sup> bullet | 24   | I don't understand why NSG is mentioned (7.2 4th bullet) in connection with NDA's overall land management strategy. I'm open to having it explained — my experience with the NDA/ NSG Waste Issues Group and the way the NDA has side-stepped considering the potential impact of the radiation risk debate on its activities may have unduly jaundiced my view. | Will delete mention of NSG (see summary of comments and PSG decisions).   |
| Richard Bramhall      | LLRC         | 7.2     | Last bullet            | 24   | In the supporting text some reference should be made to legal and contractual requirements for involving stakeholders (e.g. the Energy Act and EU legislation). This should also go into the Citizens' Guide. It's not covered by sections 10 and 11 of the Outline, whatever may be said in 7.2 last bullet.  | see summary of comments and PSG decisions   |
| Claire Gallery-Strong | BNG SL       | 7.3     | Bullet point 3         | 24   | Am surprised to see that the NSG 'develop' the strategy. Would have expected them to be more consultative  | Text says that NSG will have a role, but since it may not reference to it will be deleted.  |
| Claire Gallery-Strong | BNG SL       | 7.3     | Table 5                | 24   | Think this table adds little value and should be removed   | Will consider removal when text is drafted.   |
| Claire Gallery-Strong | BNG SL       | 7.4     |                        | 25   | Guidance for other sites- not part of our scope  | As described in section 1.1 of the outline contents, limited guidance will be given for other types of site. This is consistent with the scope document agreed by the PSG in Apr 07 and with the results of the first consultation. |

| Name  | Organisation       | Section   | Para etc                     | Page | Comment  | Response  |
|---|--------------------|-----------|------------------------------|------|--|---|
| Claire Gallery-Strong   | BNG SL             | 8         | 8- Bullet points 4, 5, 6, 7  | 26   | Please delete these as this is covered in supporting documents, use them as reference. Propose addition to this text 'it is recommended that the site owners hold records for the duration of their ownership of the site and pass the records on to new owners. On nuclear licensed sites, the regulatory requirement is for operators to ensure that adequate record keeping arrangements are made and implemented. Nuclear site licensees have to keep records until their period of responsibility ends. | Will redraft so as not to duplicate record keeping guidance, focus on principles and mention regulatory requirements (see summary of comments and PSG decisions).   |
| <b>PART 3 – GUIDANCE FOR EACH STAGE IN THE PROCES OF MANAGING CONTAMINATED LAND</b> |                    |           |                              |      |  |   |
| Claire-Gallery Strong   | BNG SL             | 10        | 10.1.2                       | 28   | First time IWS is introduced- no explanation of what it is. Same for EIAD  | Will be defined in full draft.  |
| Colette Grundy  | Environment Agency | 10        | 10.1.2                       | 28   | The reference to EIAD appears arbitrary (there are of course many other procedures that should be considered, not least RSA).  | In this context, RSA is only relevant to the IWS. EIAD needs to be mentioned as important in planning.  |
| Mike Pearl  | UKAEA              | Para 10.3 | 2 <sup>nd</sup> Bullet point | 29   | "At sites where contamination has been present for a long time it may not be practicable or necessary to take much immediate or short-term action." This seems to imply that it's OK for historic contamination to continue causing unacceptable harm to human health and the environment in the short term. The regulator stakeholders would need to agree this. Other immediate actions could be taken to help minimise impacts eg having protocols/procedures in place to control exposures etc.          | Text will be expanded to make it clear that this refers mainly to sites other than nuclear or defence sites. For example, at residential or industrial sites it may be impossible to do anything in the short term, whatever the risks. |

| Name                  | Organisation       | Section | Para etc | Page | Comment  | Response   |
|-----------------------|--------------------|---------|----------|------|--|--|
| Claire-Gallery Strong | BNG SL             | 10      | 10.3     | 29   | Assume stakeholder means public and excludes regulators (ref no public access). This is not what we would do at Sellafield- we would at least inform the public of our plans | Text will be made clearer. The intention was to say that site owners/operators do not need to involve anyone in advance when they take immediate action on small patches of contamination. |
| Claire-Gallery Strong | BNG SL             | 11      | 11.1.2   | 30   | Not sure how NDA approved contaminated land strategy and how this affects controlling mind responsibilities of the SLC.  | NDA approve via their acceptance of lifetime plans and funding requirements.   |
| Colette Grundy        | Environment Agency | 11.1    | 11.1.1   | 30   | Suggest the steps include at the outset a recognition (review?) of any identified site end-point and state(s).   | This will be addressed in the option comparison guide.   |
| Colette Grundy        | Environment Agency | 11.1    | 11.1.2   | 30   | 2 <sup>nd</sup> bullet point should include EA and SEPA role in regulation of the disposal of radioactive wastes, beyond simply an interest in being consulted by HSE.       | Will add mention of RSA role.  |
| Colette Grundy        | Environment Agency | 11.2    | bullet 2 | 31   | Suggest this includes consideration given to susceptibility to climate and landscape change (including flooding / inundation).   | But these changes are long-term, so not a major factor in prioritisation.  |
| Colette Grundy        | Environment Agency | 11.3    | bullet 4 | 31   | Should refer to the need to have plans in place to adapt to changes relating to climate change.  | Will mention in the context of further actions to achieve final end-states.  |

| Name                  | Organisation       | Section | Para etc                | Page | Comment   | Response   |
|-----------------------|--------------------|---------|-------------------------|------|---|--|
| Colette Grundy        | Environment Agency | 12      | 12.1.2, last bullet     | 31   | This refers to a very limited suite of health and safety regulations, which should be expanded to include other relevant requirements e.g. RSA, PPC regulations etc. The benefits of early engagement with regulators should be emphasised.                           | Most of the other regulations need to be considered when strategies and options are chosen, so that all the arrangements are in place at implementation. Will make this clearer in the relevant section. Engagement with regulators starts well before implementation, as is made clear elsewhere in the document. |
| Mike Pearl            | UKAEA              | 12      | 12.1.4 Waste Management | 32   | Needs to be expanded and discuss the possible conflict between the waste hierarchy and NII SAPs.  | Outside scope of SAFEGROUNDS – for SD:SPUR.  |
| Mike Pearl            | UKAEA              | 12      | 12.2                    | 33   | (1) Needs to say something on building in validation all the way through remediation. (As written, it implies everything is left to the end). (2) Validation is also about going back to the objectives of the management option and making sure these have been met. | Agreed. Will cover these points in full draft.   |
| Claire-Gallery Strong | BNG SL             | 12      | 12.2                    | 33   | The paragraph wording assumes that the end state is delicensed and not allowing for institutional control. This is not in line with government strategy or the declared plans of several nuclear sites  | By definition, the final end-state involves no further action. Other end-states are interim (see previous responses).  |

## GENERAL COMMENTS

| Name             | Organisation | Representing | Comment  | Response   |
|------------------|--------------|--------------|--|--|
| Richard Bramhall | LLRC         | Organisation | <p>The main issue for me is stakeholder involvement, and I have reservations about what I see as a tendency to reduce its status. I would not be unhappy with the rewording of KP 2 proposed in the consultation except that it depends far too heavily on how terms are defined. The proposed KP2 itself, though not the additional material in the present draft Outline, loses the concept of a broad range of stakeholders, replacing it with a "range" of unspecified scope. In the same vein, its qualification about the extent of involvement is new, and the idea that the extent should be agreed with relevant stakeholders raises the question (as always when value judgements are implied) of who decides which stakeholders are relevant to what. The additional material in the present draft gives adequate reassurance, but surely a key principle ought to embody its essence without depending on explanation. This logic is the very reason given for rewording KP2, though it is applied to a different issue (i.e. what exactly is meant by participating in decision making and who is legally responsible for the decisions). In that case the consultation document says the expansion of KP2 was adequate, so there is an anomaly in the approach. I don't agree with the assertion that there is an inconsistency between the original KP2 and the text "requiring a great deal of explanation".</p> | <p>The intention is to give more emphasis to stakeholder involvement than in LMGv1, but at the same time to help out those who need practical advice on doing land management.</p> <p>See summary of comments and PSG decisions for agreement on KP2. Note that it is not appropriate to involve a broad range of stakeholders in absolutely every case, especially for non-nuclear sites.</p> |

| <b>Name</b>           | <b>Organisation</b> | <b>Representing</b> | <b>Comment</b>   | <b>Response</b>   |
|-----------------------|---------------------|---------------------|--|---|
| Richard Bramhall      | LLRC                | Organisation        | Without reading everything again (for which I am running out of time) I don't think enough is said about the importance, for over-the-fence stakeholders, of looking at whole sites in preference to a slice by slice approach. They need the confidence that an overview gives.   | Will check when drafting but note that the whole approach is based on having a strategy for the entire site, then going to options for various areas.   |
| Claire Gallery-Strong | BNG SL              | Organisation        | The document is too long and complicated flow diagrams. Also, we agreed at last SAFEGROUNDS meeting that we would not do guidance for non nuclear sites but were happy for them to utilise our guidance. This has not happened, an attempt at defining sites and outlining guidance for them is in the document. Utilising the definitions of more and very complex sites make this too complicated- how can you tell which site your area fits in? What differentiates the two? Too much detail for very complex sites. My site would fit into this category and I found it difficult to follow with too much detail. Would prefer to not have this flow diagram at all. Also, note that some activities could take place in parallel and not sequential. | As described in section 1.1 of the outline contents, limited guidance will be given for other types of site. This is consistent with the scope document agreed by the PSG in Apr 07 and with the results of the first consultation.<br><br>Flow diagrams will be reduced to two and it will be made clearer that users are expected to devise their own diagram for their site, not try to fit their site into a pre-determined category. |

| <b>Name</b>       | <b>Organisation</b> | <b>Representing</b> | <b>Comment</b>  | <b>Response</b>  |
|-------------------|---------------------|---------------------|---|--|
| Mike Pearl        | UKAEA               | Organisation        | <p>1. Keep it real. LMG2 must be practical and achievable – not just aspirational. As “good practice guidance” it must be able to be practised without incurring excessive extra cost.</p> <p>2. Keep it focused. One of the main purposes of this guidance is for it to be an entry point into the sea of guidance that is already out there. As far as possible therefore LMG2 should avoid conflicting and contradicting regulatory guidance. Where information from existing guidance (and other SAFEGROUNDS guidance) it would be extremely useful for references to be specific ie to refer to particular sections of the reference material.</p> | <p>1. Noted but need to address the expectations of a range of stakeholders.</p> <p>2. There will be no contradictions of regulatory guidance but there may be supplements to it. Will attempt specific references, if time permits.</p> |
| A N Other         | CBO                 | Organisation        | With regards to CIRIA record keeping, I like what you have done so far, but would like a formulaic system to quote and track all details on a statement e.g. LMGv2 Draft 25 April 2007/1.52   | For CIRIA to note.   |
| Raymond Dickinson | Defence Estates     | Organisation        | There have been a significant number of changes in the land contamination field since the first draft and to keep the document at the best practice/leading edge then the terminology and the text needs to be carefully reviewed.  | The terminology is up to date (see, for example, regulatory framework paper). Everyone will be able to review text of full draft at next consultation.   |
| Mark Hill         | Defence Estates     | Constituency        | It must fit with the approach detailed in CLR 11 and place defence sites in context   | See summary of comments and PSG decisions.   |
| Colette Grundy    | Environment Agency  | Organisation        | We welcome the inclusion in the scope (page 4) of “For completeness, limited guidance is given for other types of site...industrial, medical and research sites”  | Noted.   |

| <b>Name</b>  | <b>Organisation</b>                                       | <b>Representing</b>   | <b>Comment</b>   | <b>Response</b>                            |
|--------------|---|---|--|--|
| Peter Booth  | Nexia Solutions   | As an individual (comments submitted in advance of main consultation – request to Project Team to review for major errors or omissions) | I have managed to look through the two documents as requested. Please note though as the notice was relatively short I have not read them word for word and skimmed through a bit. I think both documents are actually quite good and seem to read well. I understand and agree with those comments already submitted by Mike and only have two further thoughts for consideration. In the LMGV2, in Section 7.1, 1st bullet. This bullet discusses the benefits of stakeholder involvement and I think it would be useful to also mention that it should help to generate and maintain trust, and also that it assists in the transparency of the work being carried out. In the LMGV2, in Section 7.2. Is it worth in this section highlighting the link of contaminated land stakeholder engagement in general with the site end state consultation process which is through the SSGs | See summary of comments and PSG decisions. |
| Andy Thomas  | Future Solutions  | Individual (comments submitted in advance of main consultation – request to Project Team to review for major errors or omissions)       | I have no general concerns but I feel we should also be referencing examples of stakeholder engagement practice in UK as well as US, especially now that NDA have set up all the SSGs and have been sponsoring all the site end state consultations. MOD/Defence Estates should be able to contribute to this as well  | Will include references if available.      |
| Paul Dorfman | University of Warwick/The national Centre for Involvement | Individual.   | Relative weighting of responses - i.e. it's not a number crunching vote-taking exercise (in the context of problems associated with differing expected levels of response from industry, regulation;, NGOs CBOs, communities).   | For CIRIA to note.                         |

| <b>Name</b>       | <b>Organisation</b> | <b>Representing</b> | <b>Comment</b>   | <b>Response</b>   |
|-------------------|---------------------|---------------------|--|---|
| Raymond Dickinson | Defence Estates     | Organisation        | <p>1) The referencing of defence sites needs to be rationalised (i.e. defence sites, non-nuclear defence sites, non-licensed nuclear defence sites etc.)</p> <p>2) Within the sector terminology is changing from referring to 'contaminated land' to 'land contamination' to avoid confusion with Part 2A. The text needs changing to reflect this.</p>   | <p>1) Will review but believe it is self-consistent.</p> <p>2) Only true of CLR11. See regulatory framework paper for details of all terms.</p>   |
| Mark Hill         | Defence Estates     | Constituency        | <p>1) Since LMG V1 was drafted the regulatory and legislative landscape has changed quite significantly. A key element is the extension of Part IIA to radioactively contaminated land and the publishing of CLR11.</p> <p>2) Other developments such as the current debate over the future of Drigg and the disposal of radioactive waste in the UK needs to be reflected in the guidance particularly with respect to the land management option(s).</p> <p>3) Studies by the NRPB and HSE showed that whilst we should be aiming for risk reduction through remediation etc to a 1 in 100,000 the general public are more content with a risk of 1 in 1M when going about their business. The approach should therefore be in line with ALARP such that we should always aim for a risk reduction to 1 in 1M and attain a minimum of 1 in 100, 000.</p> <p>4) The terminology used to reference non nuclear defence sites needs to be clarified and used consistently. Specific comments on this issue have been provided previously.</p> | <p>1) See summary of comments and PSG decisions and responses to other comments.</p> <p>2) Waste management issues are always considered in establishing strategies and options, as will be made clear in the option comparison guide.</p> <p>3) The text in 6.2 is completely consistent with policy and guidance from government departments, HSE and the HPA.</p> <p>4) Terminology will be reviewed but it believed to be clear and consistent.</p> |

| Name          | Organisation        | Representing | Comment   | Response   |
|---------------|---------------------|--------------|---|--|
| Hugh Richards | Magnox Electric Ltd | Organisation | <p>Section 1.1 (and the whole of LMGv2) needs to be consistent in saying that LMGv2 is concerned with 'sites' where there is or could be radioactive contamination. In particular, bullet 4 of Section 1.1 does not say this. There are generic problems with what is meant by a 'site':</p> <ul style="list-style-type: none"> <li>• The consultation outline (probably unintentionally) implies that radioactive contamination associated with a Nuclear Licensed Site (NLS) but outside the NLS boundary is excluded from the scope of the guidance.</li> <li>• The meaning of 'site' might implicitly change when considering 'strategy' for a whole 'site' as against 'options' for dealing with a specific contamination issue. This can be important in deciding at the outset of the flow diagram process whether LMGv2 is applicable – for example in deciding what to do about a purely non-radioactive contamination issue on the periphery of or perhaps just outside a NLS. Is the intention that, because there is the potential for radioactive contamination somewhere on a NLS (but perhaps not yet confirmed/disproved due to physical/operational constraints), any known or suspected non-radioactive contamination on (or adjoining) that NLS should have LMGv2 applied to it? A definitions entry on 'site' within Section 1.5.1 would be useful.</li> </ul> <p>I have a personal query as to why the term 'validation' is preferred over 'verification' in relation to post-remediation and final end-state surveys/monitoring. Draft Environment Agency guidance calls it 'verification'.</p> | <p>There is no implication that radioactive contamination outside the NLS boundary is excluded, not least because LMGv2 deals with all types of site. Both HSE and EA/SEPA are quite clear that site licensees should 'look both sides of the fence' and have a strategy that deals with all their land, whether it is inside or outside the NLS boundary. It was not felt appropriate to labour the point in LMGv2 because it is not quite clear who regulates radioactive contamination associated with a NLS but outside the boundary, although it is clear that the NDA has responsibility for such land around their sites. The discussion of this issue belongs in the next revision of the regulatory framework paper.</p> <p>Validation is consistent with nuclear usage (see IAEA glossary and the SAPs), in which it is more wide-ranging than verification.</p> |