

ENERGY ACT 2004

Directions to the Nuclear Decommissioning Authority (the NDA) in respect of the Capenhurst Nuclear Site

Made under section 3 of the Energy Act 2004

CAPENHURST SITE SUMMARY

This summary is not part of the direction

This summary is only intended to provide background information in respect of the Capenhurst Nuclear Site. It sets out the nature of the cleaning-up or decommissioning work that may be carried out on the site. However, subject to Ministerial agreement it is for the NDA, following consultation, to determine what the cleaning-up and decommissioning objectives for the site will be and to describe these objectives in its strategy.

Under the Energy Act 2004 where the NDA has been given a responsibility it can secure that such a responsibility is carried out by others.

In the late 1940s and early 1950s a Gaseous Diffusion Plant and associated facilities were built at Capenhurst to produce enriched uranium for defence purposes. In the 1960s, once defence requirements had been met, the plant was converted to commercial production for civil programmes. In 1977 the first commercial scale centrifuge plant was opened at Capenhurst. By 1982 the development and deployment of alternative centrifuge enrichment technology had rendered the diffusion process uneconomic and the Gaseous Diffusion Plant was shut down.

In 1995 the Capenhurst site was confirmed as BNFL's uranic storage facility, and approval was given for a programme to modernise and upgrade the uranium storage facilities housed in the former diffusion plant. The site now stores uranic materials.

Currently the Capenhurst site is undergoing decommissioning and clean-up (in respect of installations not required for storage operations).

1. Citation and Interpretation

The Direction may be cited as the NDA Designation of Capenhurst.

Words and expressions used in this Direction that are defined in the Energy Act 2004 “the 2004 Act” have the same meaning as in that Act.

For ease of reference the following definitions from the 2004 Act are set out:-

“cleaning-up” and “decommissioning”	in relation to a site or installation, includes— (a) the treatment, storage, transportation and disposal of hazardous material and of other matter and substances that need to be dealt with or removed in or towards making the site or installation suitable to be used for other purposes; and (b) the construction of buildings and other structures to be used in connection with the cleaning-up or decommissioning of the site or installation;
“facility”	includes a business or other undertaking and installations, vehicles or other property comprised in or used for the purposes of a business or other undertaking;
“hazardous material”	means— (a) nuclear matter; (b) radioactive waste; and (c) any other article or substance that has been and remains contaminated (whether radioactively or chemically) as a result (within the meaning of section 36 of the 2004 Act) of nuclear activities;
“installation”	includes buildings, structures and apparatus (whether or not fixed to land);
“NDA facility”	means a facility which— (a) is being or has been used for or in connection with the storage, disposal or treatment of hazardous material; and (b) is a facility for the operation of which the NDA has or has had a responsibility;
“nuclear installation”	means— (a) an installation which is situated in or on a principal nuclear site but is not comprised in an NDA facility;

(b) pipes, conduits and other apparatus which are not situated in or on a principal nuclear site but are connected to an installation falling within paragraph (a);

“principal nuclear site”	means the whole or a part of a site of any of the following descriptions— (a) a site in respect of which a nuclear site licence is or is required to be in force; (b) a site in respect of which such a licence would be required to be in force if the licensing requirements of the 1965 Act applied to the Crown; (c) a site not falling within paragraph (a) or (b) in or on which there is an NDA facility; (d) a site on which there is an installation used for practical research into the production of energy by the fusion of atomic nuclei; (e) a site which has been a site falling within paragraphs (a) to (d) but which, without being such a site, remains contaminated (whether radioactively or chemically) as a result of nuclear activities carried on while it was such a site or before it became one;
“site”	includes— (a) land within the United Kingdom; (b) an area of territorial waters adjacent to the United Kingdom; (c) the seabed and subsoil in any such area;
“treat”	in relation to any matter or substance, includes processing and reprocessing (including any use as a material in a process for the manufacture of nuclear fuel), and cognate expressions are to be construed accordingly.

The Interpretation Act 1978 shall apply for the interpretation of the Direction as it applies for the interpretation of an enactment, except that words and expressions used in the Direction that are defined in the 2004 Act shall have the same meaning as in the 2004 Act, and where any word or expression is defined in both the Interpretation Act 1978 and the 2004 Act, the meaning attributed to such word or expression in the 2004 Act will prevail.

References in the Direction to paragraphs and Schedules are to paragraphs of and Schedules to the Direction. References to sections are to sections in the 2004 Act.

2. Direction

Under section 3(3) the Secretary of State gives the NDA this Direction for the purposes set out in paragraph 3 below.

3. Designation

(1) The sites, installations and facilities in column 2 of Schedule 1 and described in column 3 shall be designated to the NDA for the purposes set out in column 4.

(2) The installations listed in Schedule 2 shall not be decommissioned until the time specified set out in Schedule 2.

4. Commencement

(1) The Direction shall come into force on 1 April 2005.

(2) This Direction is made on 3 December 2004.

Signed:

On behalf of the Secretary of State for Trade and Industry

SCHEDULE 1**Designated Responsibilities**

No	Site/Installation/Facility	Description	Designation purpose (paragraphs of section 3(1) of the 2004 Act)
1	The Capenhurst Nuclear Sites (the principal nuclear site)	Land situated near Capenhurst in the District of Chester in the County of Cheshire shown outlined in red on drawing referenced OCN82529T dated 28/11/2003 and entitled "BNFL Ltd Site Boundary, Capenhurst Works", Nuclear Site Licence Number 28I - Annex "A" ¹	(c) the cleaning-up of the principal nuclear site ²
2	Waste Management Facilities	Processing, storage, transport and disposal of liquid and solid wastes	(d) operation for treatment, storage, transport and disposal of hazardous material
3	Miscellaneous Contaminated Plant & Buildings	Plant and buildings including but not limited to: active waste treatment systems, active drains, active laboratories, laundries etc	(d) operation for treatment, transport and disposal of hazardous material
4	Nuclear Materials Management Facilities	Diffusion plant, Uranium Asset Management, Nuclear Material Recovery	(d) operation for treatment and storage of hazardous material
5	Pipes, conduits and other apparatus	Including but not limited to: water pipes for ongoing site operations, communications, power, drainage, sewage and effluent discharge not situated in or on the principal nuclear site but which are connected to buildings, structures and apparatus in or on the principal nuclear site	(b) decommissioning (d) operation for transport and disposal of hazardous material

¹ Nuclear site licences are granted under section 1(1) of the Nuclear Installations Act 1965 c.57.

² Section 3(6) of the 2004 Act provides that unless the direction provides otherwise, the designation of a principal nuclear site for cleaning-up is to have the effect of including a designation to decommission every installation situated in or on that site.

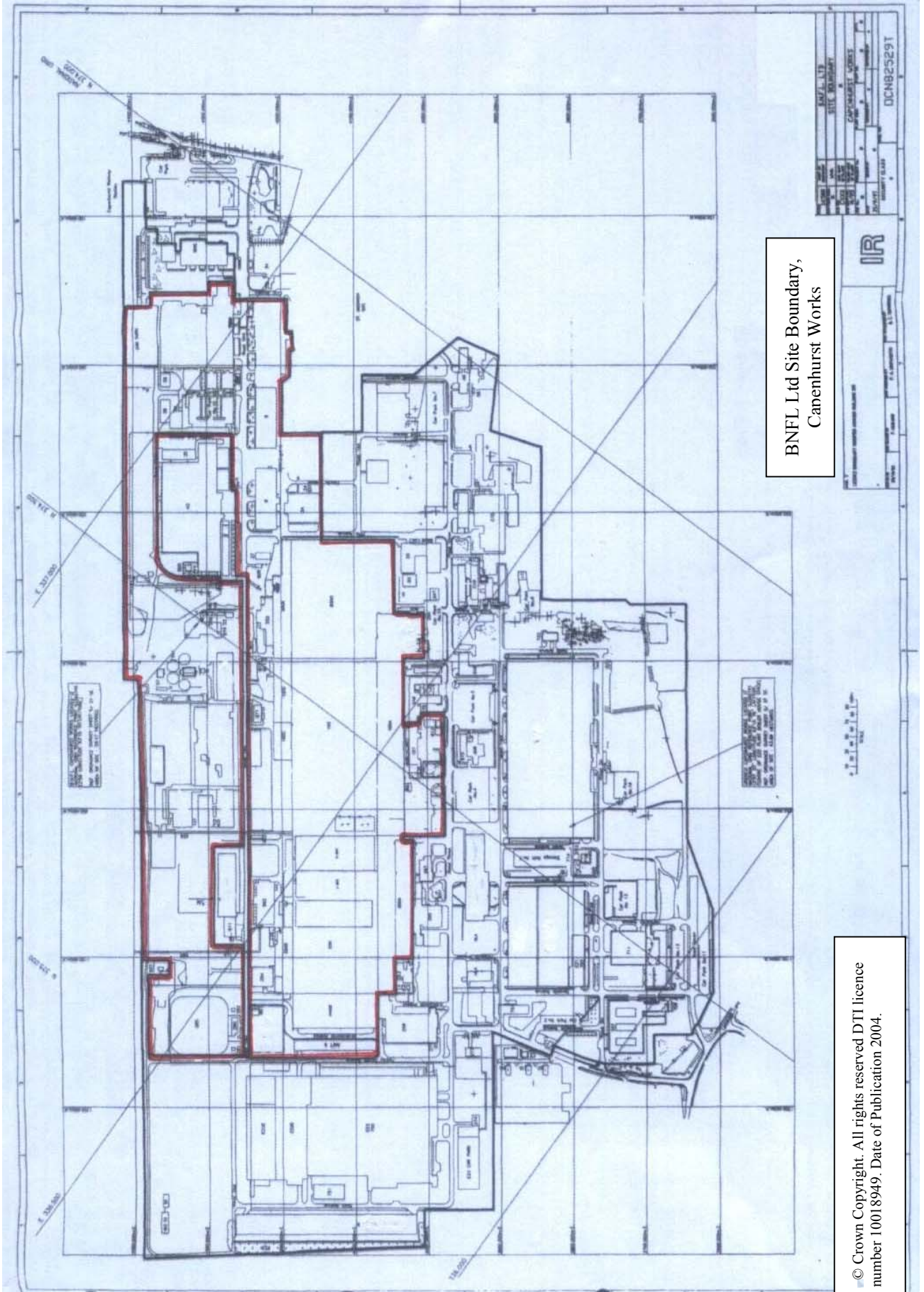
SCHEDULE 2

Installations in respect of which decommissioning is postponed until the specified time

1. All installations necessary to store uranic materials until such time as such storage operations are no longer needed.
2. All such installations as are needed to support operations at the adjacent site operated by Urenco (Capenhurst) Ltd until such time as the agreements under which such installations are so utilised are terminated.
3. All installations (whether or not fixed to the land) on the principal nuclear site including but not limited to: sewage, drainage, effluent discharge, electricity, water, gas or which form part of an electronic communications network³ operated by a person, other than the person in control of the principal nuclear site, for as long as such services are needed to supply the principal nuclear site or to provide services to users outside the principal nuclear site (i.e. cut across the site).
4. All installations utilised for or occupied by persons other than the person in control of the principal nuclear site until such time as the agreements (including any new agreements) under which such installations are occupied are terminated, or otherwise come to an end.
5. All installations necessary to operate the facilities as required in Schedule 1 (under a section 3(1) designation) until such time as such facilities are no longer needed in order to fulfil NDA operational or clean-up functions.

³ As defined in section 32(1) of the Communications Act 2003 (c. 21).

ANNEX A



ENERGY ACT 2004

NDA Designation of Capenhurst (Modification and Revocation Direction No. 1)

ENERGY ACT 2004

NDA Designation of Capenhurst (Modification and Revocation Direction No. 1)

Presented to Parliament by the Secretary of State for Energy and Climate Change pursuant to sections 3 and 5 of the Energy Act 2004.

INTRODUCTION AND SUMMARY

This introduction and summary is not part of the direction

The Secretary of State, in exercise of the powers conferred upon him by section 3 of the Energy Act 2004 (the “2004 Act”), made Directions on 3 December 2004 giving the NDA responsibilities in relation to certain nuclear sites.

The Secretary of State designated the Capenhurst Nuclear Site for the purposes of section 3 of the 2004 Act in a Direction which came into force on 1 April 2005.

The person with control of the Capenhurst Nuclear Site is Sellafield Limited, which has consented to this Direction.

This Direction modifies the area of land defined as the principal nuclear site in the NDA Designation of Capenhurst by removing two small plots of land, which have been determined as appropriate for re-use by the adjoining URENCO facility. For completeness, this Direction also revokes the NDA Designation of Capenhurst in relation to those two plots.

1. Citation and Interpretation

- (1) This Direction may be cited as the NDA Designation of Capenhurst (Modification and Revocation Direction No. 1).
- (2) Where the context permits, words and expressions used in this Direction that are defined or used in the NDA Designation of Capenhurst have the same meaning as in that direction.

2. Direction

Under sections 3 and 5 of the 2004 Act, the Secretary of State gives the NDA this Direction for the purposes set out in paragraph 3.

3. Modification of the NDA Designation of Capenhurst and Partial Revocation

- (1) The NDA Designation of Capenhurst is modified as follows—
 - (a) in the description of item 1 of Schedule 1, for “OCN82529T dated 28/11/2003 and entitled “BNFL Ltd Site Boundary, Capenhurst Works”” substitute “O BE 2626214 dated 16 March 2010 and entitled “Designated Site at Capenhurst””; and
 - (b) for Annex A of the NDA Designation of Capenhurst substitute Annex A of this Direction.
- (2) The NDA Designation of Capenhurst is revoked in relation to any land which, by virtue of sub-paragraph (1) of this paragraph, no longer falls within the land previously described as the principal nuclear site in accordance with Schedule 1 and Annex 1 of the NDA Designation of Capenhurst.

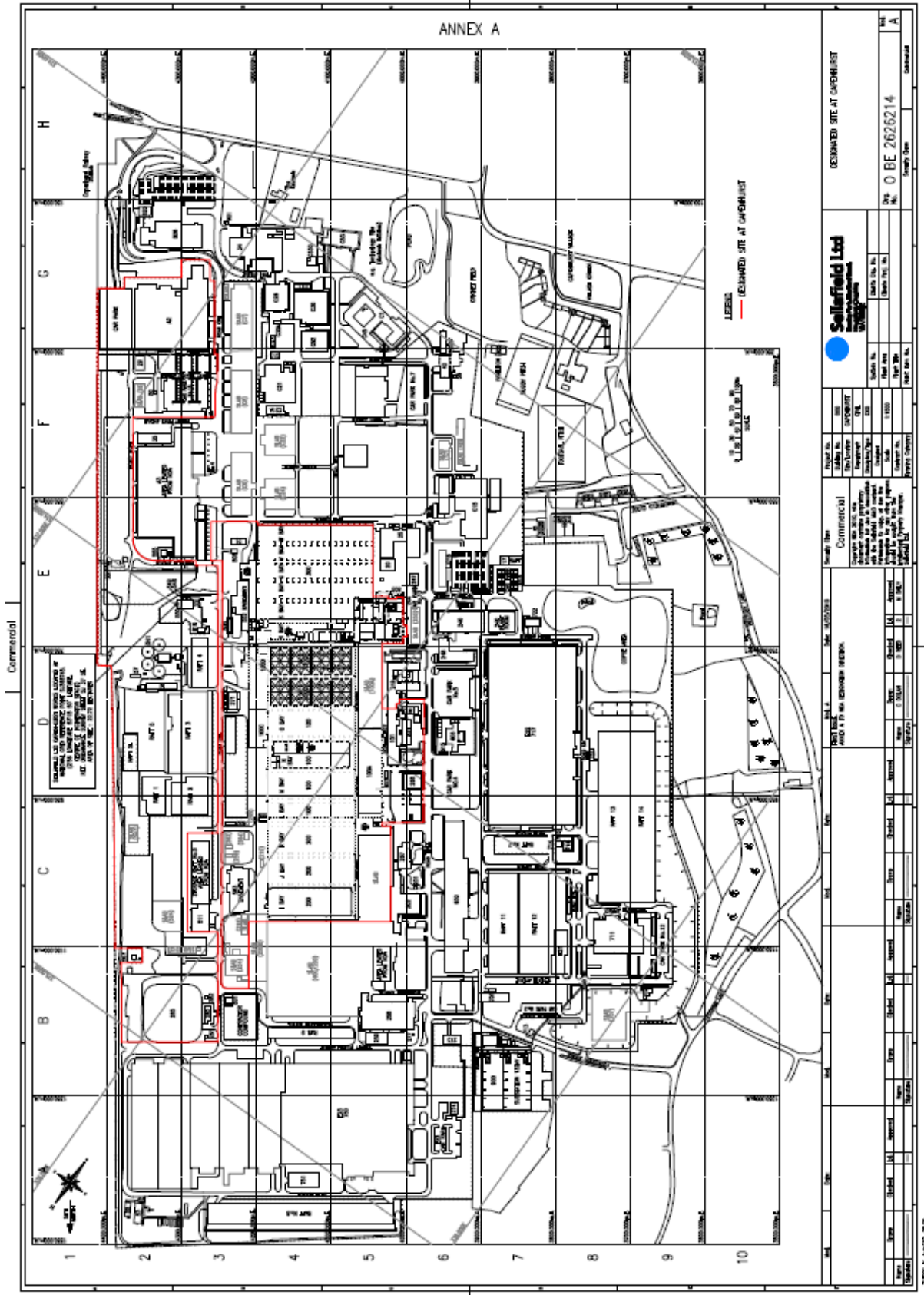
4. Commencement

This Direction is made on 18 March 2010 and comes into force on 28 May 2010.

Signed:

Minister of State, Department of Energy and Climate Change,
On behalf of the Secretary of State for Energy and Climate Change.

ANNEX A



Commercial

<p>FOR THE PURPOSES OF THIS APPLICATION, THE SITE IS TO BE USED FOR COMMERCIAL PURPOSES ONLY.</p>		<p>Sealfield Ltd 100 Sealfield Road Sealfield, County Wick, Ireland</p>	<p>DESIGNATED SITE AT OGDONHIST No. O BE 2626214 County Wick</p>
<p>Project No. 12345678 Address No. 123456 Description COMMERCIAL Date of Issue 12/12/2023 Validity 12 Months Contact No. 01-2345678 Email info@sealfield.com</p>	<p>Map No. 1:1000 Scale 1:1000 Date 12/12/2023</p>	<p>PLANNING PERMISSION NO. 12345678 VALID TO 31/03/2024</p>	
<p>Site No. 12345678 Status Proposed Area 12345678 sqm Date 12/12/2023</p>	<p>Site No. 12345678 Status Proposed Area 12345678 sqm Date 12/12/2023</p>	<p>Site No. 12345678 Status Proposed Area 12345678 sqm Date 12/12/2023</p>	<p>Site No. 12345678 Status Proposed Area 12345678 sqm Date 12/12/2023</p>

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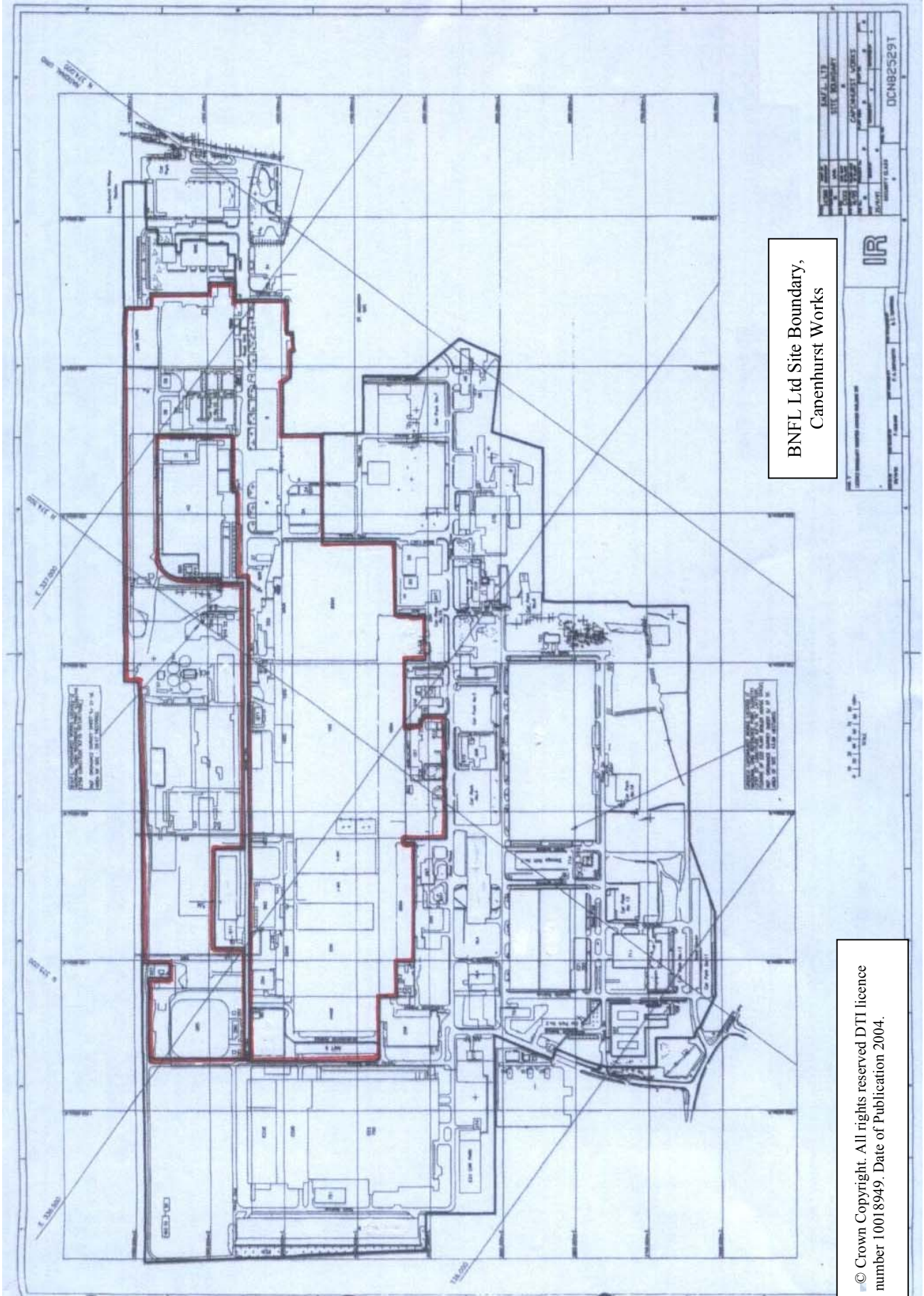
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ANNEX A



BNFL Ltd Site Boundary,
Capenhurst Works

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