

Written Statement of Waste Recycling Group (WRG) in respect of "Issue 3 – Policy 6: Proposed sites for Low Level Radioactive Wastes"

Hearing Session 2: Tuesday 24 April (PM)

Preliminary

1. As is evident from WRG's representations to the DPD process, it has continued to promote the allocation of the site at Lillyhall (AL31) ('the Site') for disposal of High Volume – Very Low Level Radioactive Waste (HV-VLLW).
2. Although WRG continues to promote this use at the Site, it understands that the suitability of the Site for new LLW and VLLW uses are not matters which will be dealt with at this hearing, or in this DPD but will instead be considered after the Core Strategy review.
3. The Inspector identified at the last examination of the DPD that there has been "no...consideration of waste management options or strategies for either LLW or VLLW" at the strategic scale. The Core Strategy restricts itself to addressing the continued role of the LLRW only. WRG agrees that the strategic issues for the management for LLW and/or VLLW have not been dealt with by the LDF plan process to date. Accordingly, they are not proper considerations for the DPD.
4. This significant omission at the strategic level has been acknowledged by the Council, which recognises the "need for an urgent review of the Core Strategy" (Minerals and Waste Development Scheme (2010-2013), which came into effect on 21 February 2011). WRG agrees that this review is required and that it should be progressed as a matter of priority.
5. In the absence of an overall strategy for LLW/VLLW WRG is of the view that the consideration of sites for managing these waste streams in the future would be premature. The Council also appears to be of this view, and the DPD states, "In advance of this review, it is considered that the identification of additional sites for managing Low Level Waste and/or Very Low Level Waste is premature" (para 3.18).
6. However, WRG is concerned that the Council appears to be pre-determining both the strategic policy for LLW/VLLW management and the suitability of possible sites for the management of LLW/VLLW in the future. WRG considers that any such predetermination would render the DPD unsound.

7. WRG's proposed amendments to the DPD will now be addressed in turn. The first relates to the treatment of existing radioactive waste management facilities. The second relates to predetermination of the strategy for LLW/VLLW and the selection of sites for management of LLW/VLLW.

Proposed amendments to Policy 6

Existing facilities

8. WRG is concerned that the Council has not treated existing facilities for managing radioactive waste streams on a like basis (it should be noted that as drafted, the proposal to allocate CO36 goes beyond the inclusion of the existing facility CLEASA).
9. The Site is an existing facility for management of exempt radioactive waste, and already accepts low volume VLLW. The Environment Agency has issued a permit for the Site to accept HV-VLLW and it is expected that this waste stream will be accepted into the Site from approximately June 2012.
10. Though the Council acknowledges in the DPD (para 3.11) that the MRF at Lillyhall (operated by Studsvik) is an existing facility for managing LLW, it fails to recognise the Site as an existing facility for management of the VLLW waste stream.
11. As an existing management facility for radioactive waste, the Site is on an equal footing with the MRF, CO35 and (part of) CO36. Despite this equal status, the DPD makes no mention of the existing treatment facilities at the Site, and neither the Site nor the MRF are recognised in Policy 6.
12. This inconsistent treatment of existing facilities has not been addressed in the DPD. The Council has failed to provide any coherent, sound reason as to why the status of the Site should not be recognised in Policy 6 (in addition to CO35, and part of CO36, with which it is on a par).
13. WRG therefore propose that Policy 6 should be amended to include reference to all existing management sites for the relevant waste streams, including the Site, in order to safeguard, in land use terms, their existing key function in diverting waste away from the LLWR in the short to medium term.

14. This proposed approach is consistent with that adopted by the Inspector at the last examination where he acknowledged (para 93, RSAP10) that on balance, CO36 should remain as an allocation on the basis that i) it contains an existing landfill within the site (CLEASA) and ii) that due to the review of the spatial strategy, the allocation of CO36 would be on an interim basis only.
15. Further, WRG considers that CO36 should only be included in Policy 6 to the extent that it relates to CLEASA, the existing facility for treatment of radioactive waste; CO36 relates to a much wider area of land within the existing Sellafield complex. The Sustainability Appraisal (RSAP2) raises serious issues regarding the availability, deliverability and/or suitability of CO36 to provide significant additional waste management capacity in the future. At present, the evidence base does not justify the allocation of CO36, save for the limited extent of acknowledging the continued role of the existing CLEASA facility.

Pre-determination

16. WRG's view is that the spatial strategy for dealing with LLW and VLLW needs to be properly considered through the review of the Core Strategy before the appropriateness of any potential sites can be determined. To determine site selection in advance of the overall strategy for the management of these waste streams clearly places the 'cart before the horse'. WRG therefore maintains that at this stage the DPD should be limited to acknowledging the current role of existing facilities for LLW and VLLW.
17. It is simply wrong, in the absence of a full consideration of, for example: how much capacity for managing these wastes is needed; what kind of management will be required; and the potential for onsite disposal (i.e. disposal on land within Sellafield) to meet the need, to advocate that "wastes should be managed on the site where they arise" (para 3.14 of the DPD) and/or to exclude other potential sites from fulfilling a role.
18. At present the DPD seeks to establish (by way of para 3.14), indirectly, a policy approach for the management of LLW and VLLW. In addition it seeks to exclude sites, including the Site, from being used for managing LLW and VLLW waste streams in the future. WRG considers that, for it to be sound the DPD must not purport to determine, in advance of the Core Strategy review, the overall strategy for the management of these waste streams. Similarly, it must not carry out any part of the site selection procedure¹ in advance of the Core Strategy review, as to

¹ Save for acknowledging the current roles of existing facilities for these waste streams

do so would predetermine the outcome of the consultation process which is yet to be undertaken.

19. As drafted, para 3.14 of the DPD seeks indirectly to establish a 'policy' that, "decommissioning wastes should be managed on the site where they arise unless a rigorous assessment demonstrates that this is not practicable". In the absence of a proper review of the Core Strategy, based on the evidence and national policy regarding LLW and VLLW, such an approach is not robust and is unsound. There is no part of the Core Strategy from which this supposed 'policy' can be derived. No such proposed policy has been consulted upon properly as part of the LDF process. The nature of this 'policy' is confirmed by the Council in para 5.17 and 5.18 of RSAP5, which states that it merely reflects "**their views** that a proliferation of sites for disposing of any types of radioactive wastes would be likely to cause unacceptable adverse social and economic impacts" (emphasis added).
20. It should be noted that detailed information on waste arisings (on a regional basis) for LLW and VLLW are now available, but have not yet been considered by the Council. The "Low Level Waste Strategic Review"² confirms that almost 50% of LLW and VLLW will arise in the North West and that it "would not...be able to accommodate all of Sellafields waste" 'on site'³. The DPD does not acknowledge or take into account this evidence, which has been available to the Council for over a year.
21. There is no evidence to demonstrate that allowing for some 'off site'⁴ management of LLW and VLLW would result in a 'proliferation' of sites, or unacceptable adverse social/economic impacts. Nor is there any evidence to support a conclusion that providing for some 'off site' management would result in Cumbria being perceived as the "prime disposal/management area for all types of the UK's radioactive wastes" and/or that any such 'perception' would be detrimental to the efforts that are being made to rebalance the local economy and make it "particularly hard to attract investment" (para 5.17 and 5.18 RSAP5).
22. These are untested assumptions of the Council, which are not supported by the objective evidence base, that have informed the DPD; the Council relies upon them to construct its purported 'policy' that these waste streams should be managed 'on site'.

² "UK Management of Solid Low Level Radioactive Waste from the Nuclear Industry: Low Level Waste Strategic Review", March 2011, LLW Repository and the Nuclear Decommissioning Authority

³ i.e. within the existing Sellafield complex – proposed site CO36

⁴ The term 'off site' is used here to describe sites which do not fall within the compounds of existing nuclear facilities, such as Sellafield

23. With regards to the suitability or otherwise of existing, or new, sites for the management of LLW/VLLW in the future the DPD purports to apply the 'policy' of 'on-site' only management solutions in order to exclude sites (both existing and proposed) from fulfilling a role.
24. Para 3.16 of the DPD states that of the existing management sites, only CO35 and CO36 "may" have potential for "significant additional waste management capacity". This runs contrary to the assessment of sites CO35 and CO36 in the Sustainability Appraisal (RSAP2), which highlights significant concerns regarding the availability, deliverability and/or suitability of CO35 and CO36 to provide significant additional waste management capacity in the future. Further, these determinations of the suitability of existing sites for future waste management uses are premature as the Core Strategy review has not been carried out.
25. The DPD purports to exclude the Site from being used for LLW/VLLW management in the future. Para 5.28 states, "The County Council does not consider that this site is appropriate because of the potential social and economic impacts that are involved for any types of radioactive waste". This statement is unsupported by the evidence, and seeks to predetermine, in advance of both the Core Strategy review and a transparent and objective assessment of available sites following the completion of that review, the suitability of the Site for managing these waste streams. Such an approach is manifestly unsound.
26. In effect, the Council is seeking to predetermine key strategic issues via the DPD in advance of the Core Strategy review. This is unacceptable, and WRG considers that any part of the DPD, which predetermines issues that are to be properly left to the Core Strategy review, should be deleted. Further, as the future role of sites (both existing and proposed) cannot be properly considered until the strategic level review has been completed, the DPD is unsound as it purports to assess sites for the management of LLW/VLLW going forward.
27. WRG therefore proposes that in order for the DPD to be sound the following should be deleted:
- a. Paragraph 3.14 to 3.17 (inclusive)
 - b. Paragraph 5.28
 - c. The last three sentences of paragraph 5.106 (starting "As such a high proportion of...")
28. Further, WRG considers that the nature of Policy 6 should be clarified in the DPD. Policy 6 can only assume the status of an interim policy, and should be limited to recognising the current role of existing facilities. WRG requests that clear wording be inserted into Policy 6 which

confirms this, and clarifies that it is subject to the Core Strategy review and the site assessment process which will follow it.

29. WRG also requests a clear finding from the Inspector that the suitability of the Site, for managing LLW/VLLW in the future remains wholly undetermined at this stage.

Submissions on behalf of Waste Recycling Group

Alison Ogley

WALKER MORRIS

2nd April 2012