

- 3.1 As a result of the debate during the previous examination, the County Council proposed that to ensure that DPD was consistent with the adopted CS and thus sound, it should not include provision for the management of high volume very low level radioactive waste (HV-VLLW). Have circumstances changed to require a different approach now in order for this DPD to be sound?**

This question goes directly to the heart of the matter. The facts on the ground are already being changed so as to undermine the core strategy finding that Cumbria should avoid measures that lead to us becoming the default disposal route for LLW. It is now clearly apparent that Cumbria is regarded by the Nuclear Industry and the Ministry of Defence, as the disposal route for most forms of radioactive waste. After the Olympic Games are over, special policing arrangements will be called upon for the transport of the plutonium stockpile from Dounreay to Sellafield. Sooner or later the same arrangements will be made for the spent fuel rods and reactor cores from decommissioned submarines. While there is a plausible justification for this concentration of Nuclear Liabilities in one place that has relevant HLW and ILW expertise, there cannot be any such justification for the removal of high volumes of contaminated wastes from Chapelcross in Scotland to landfill at Lillyhall¹.

If these are licensed by the Environment Agency for landfill disposal, they should not be travelling any unnecessary waste miles to get there.

The present Govt. already has form on this issue: Northants waste plan ruled out the use of landfill at Kings Cliffe by Augean for LLW. Their plan was overruled by the secretary for communities, and, were it not for a court injunction, Augean would already be disposing of LLW on the understanding that if judicial review goes against them they can always dig it up again, furthermore, they have recently applied to extend their permit to use the site until 2026. If Cumbrians are to avoid having such default policy imposed on us by 'shoehorn', we must ensure that LLW policy conforms to the criteria in the Waste Management directives so that an effective challenge to ad-hoc policymaking on these lines can be made at European level. There can be no way to justify policy elaborated by Govt. 'ambush' as adequate, integrated or sustainable. If our plan leaves us open to such maladministration, it is unsound.

- 3.2 Similarly, has there been any change in the recorded circumstances at Lillyhall to support the contention of Waste Recycling Group and Energy Solutions that without their proposed change (inclusion in the DPD of Lillyhall landfill for the management of HV-LLW) the DPD would be unsound?**

¹ West Cumbria News & Star Fri. October 14. 2011.

<http://www.cumbria.gov.uk/elibrary/Content/Internet/538/755/2146/40861135624.pdf>

It is a matter of concern that, unlike the case above, material is already going underground in defiance of SAP and that an application has been put forward to use the site to 2031 despite CCC policy to restore it, by 2014. This undermines public confidence in planning policy and will poison any question of 'voluntarism' over other aspects of managing radioactive wastes safely. Clearly the existence of Northants waste plan as agreed and approved, enabled a legal challenge to go forward. While a Cumbrian plan remains in limbo, it will be harder for a yeoman stalwart to mount objections to more of the same, let alone to challenge what has been smuggled underground already.

3.2.1 The deliverability of the two identified sites (CO35 and CO36) was debated during the previous examination and the conclusions set out in RSAP10, paragraphs 83 to 93. Has there been any change in circumstances to indicate that the submitted DPD would be unsound if the two sites were to remain identified in the policy?

More than one private operator of landfill sites has made the claim that the DPD is unsound because there is inadequate landfill provision for VLLW. Their readiness to send such waste to landfill in Cumbria – some considerable distance from its origin, is parallel to their reluctance to negotiate landfill sites local & closer to these originating sources. Other county council waste plans have been drawn up with the explicit policy that such wastes will be sent to Cumbria²

Which is precisely the situation (that LLW facilities will not become locally available if there exists provision elsewhere) envisaged in previous submissions.

When it became apparent that there would be difficulties for disposals at KingsCliffe, Harwell changed their mind about shipping VLLW offsite and has set in train a proposal to deal with it themselves, in situ.

While CO35 & 36 are sites that can legitimately be considered for suitable categories of LLW arising in Cumbria, a decision must be reached on wastes arising, e.g. in Scotland, to be the subject of SEPA licensing to avoid the censure of EU neighbours who will otherwise perceive the present arrangements as dereliction of treaty obligations and the legally enforceable directives.

2 <http://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/Policy-Consultations/Current-Consultations/WDD-Issues-Options/Documents/02%20WDD%20preferred%20Approach.pdf>