

Draft Matters and Issues relating to Radioactive Waste

Above Derwent Parish Council wish to rely on written representation'. We believe Off-Site Emergency Planning should be used as an in-scope consideration during M&W assessments and decision making for each development application associated with all nuclear facilities such as nuclear waste sites (above & below ground), nuclear decommissioning sites such as Sellafield reprocessing sites and nuclear new builds, to ensure the precautionary principle is adequately applied for both 'Health' and 'Traffic' safety of people in North West Cumbria and beyond.

Above Derwent Parish Council would like to add additional evidence and reasoning, as well as offering a solution to Cumbria County Council on how to evidence their development planning application decision making on sound and reasoned criteria. We hope this also helps provide an answer to the Inspector's Question 46, Policy SP4: Use of Best Available Techniques using the precautionary principle, and an answer to 57 Do any of these sites have any significant planning constraints?

Above Derwent PC's previous submission for the Minerals & Waste Local Plan Draft failed to clarify Health and Traffic as important criteria considerations for both Minerals & Waste in general and in particular for Radioactive waste.

13.7 (Page 114) *Health: 'Policy DC2 General criteria refers to assessments that **may be required** to accompany a planning application in connection with, where relevant, impacts on human health. The text preceding the policy includes a non-exhaustive list of **possible assessments required**.*

13.9 (Page 115) *Traffic: 'Mineral development has to be worked at its source, so at times there will be impacts on the rural road network and on community amenity from staff travel. In such instances and **where possible**, mitigation measures **should be considered** to reduce any impacts on highway safety, convenience to other road users and community amenity.*

What part of the Plan is unsound

Evidence: Cumbria M&W Local Plan - Assessment of Infrastructure Requirements and Deliverables, see (one example) CO36 *Sellafield Site, Land within: Column heading 'Off-site highway works required? 'No'.*

Why It Fails

The assessment is based on a restrictive scenario of movement of building material to and from the Sellafield site.

The precise modification

The precise modification is to include the scenario 'Off-Site Emergency Planning Area' into any development planning applications relating to extension(s) or new nuclear and waste repositories.

Background: Amendment to the Off-Site Emergency Planning Area was enforced in 2014 by the NGO, at Sellafield's request. It increased the circular area of radius around the site from 2 km to 6 km (and as a result a part of the Lake District National Park* was included in the Off-Site Emergency Planning area), Evidence: Report ONR-COP-PAR-14-007 TRIM Ref: 2014/461761 Determination of the Off-site Emergency Planning and Public Information Areas for the Sellafield Nuclear Licensed Site: Radiation (Emergency Preparedness and Public Information Regulations 2001).

'Project Assessment, Page 19 Recommendation 1: Cumbria County Council and Sellafield Ltd to advise that the REPPIR off-site emergency planning area has been determined as the area within the red line on map 8 at appendix D.

Recommendation 2: Cumbria County Council confirming the need to update, as required, its detailed emergency plan to adequately cover the area defined in recommendation 1'.

The Plan fails to properly invoke the precautionary principle

Had the Off-Site Emergency Planning Area been included as part of precautionary principle decision making, the answer would certainly be 'Yes' it does require adaption to roads and motorways and is a significant development planning constraint. However historically there is no evidence to suggest the Off-Site Emergency Planning Area has had any influence in the decision making process for Traffic or Health. If it had there would not be the volumes of traffic at a standstill as a result of Sellafield staff starting and ending shifts which may impact on the health and wellbeing of all people within the area during an emergency scenario.

The following gives example of why the precautionary principle and the decision based criteria including the Off-Site Emergency Planning Area is so important when considering the siting of applications to extend old and build new nuclear sites.

Evidence: Appendices to the Appraisal of Sustainability Site Report for Sellafield Planning for new energy infrastructure October 2010

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47810/1971-appendices-to-aos-sellafield-en6.pdf

'However, there is potential for release of radioactive emissions, planned and accidental, during the operation and decommissioning of a nuclear power station and waste storage on the nominated site. The prevailing wind direction is south to south-westerly through the year. Although the prevailing wind direction could cause any emissions to be dispersed over the Irish sea, in extreme circumstances (both in terms of releases and meteorological conditions) there is a potential for transboundary effects, in particular the Isle of Man and the eastern coastline of Ireland. The potential effects of release of radiation are discussed in the main AoS report, however detailed modelling will be required and considered as part of the HSE and Environmental Regulators risk assessment as carried out for the consenting process. There is, however, an opportunity to employ any

lessons learned from the decommissioning of the existing Sellafield nuclear power facility (currently ongoing)'

How the Plan can be made sound: The Precautionary Principle and how a Government document helps with criteria for decision making.

Evidence: 'Planning Policy Statement 23, Planning and Pollution Control, 2004, Published for the Office of the Deputy Prime Minister'. states the '*cautionary principle should be invoked when: – there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and – the level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making.*'

Where an application applies to an existing nuclear site requiring further development or a new site, and the development sits within the Off-Site Emergency Planning Area, the precautionary principle should be applied based on the cumulative effects of the overall increasing volumes of waste.

Evidence: Same document Section 13 page 5 Development Plans '*RPBs are responsible for producing RSSs which set out their policies for the development and the use of land in the region. They provide the opportunity to assess and indicate the scale of regionally important, longer-term demands for land for potentially polluting development, and any regional constraints on development arising from the cumulative impact of existing and proposed potentially polluting developments or uses.*'

Helpful guidance is shown in the same document, Appendix A, Matters for Consideration in Preparing Local Development Documents and Taking Decisions on Individual Planning Applications that should be adopted by Cumbria County Council.

*Note: A further overall consideration is whether Cumbria County Council is legally responsible for the Off-Site Emergency plans for the area covered by the Lake District National Park and if the Lake District National Park Planning Authority is part of the decision making process. Currently we cannot find a document that answers this question.

Cumbria Minerals and Waste Local Plan - Assessment of Infrastructure Requirements and Deliverability -, Ease of business/ trade access, Ease of vehicular access, Distance to main road (metres), Means of access, Work required to facilitate access, Off site highway works required?

<http://www.onr.org.uk/pars/2014/sellafield-14-007.pdf>,
 Determination of the Off-site Emergency Planning and Public Information Areas for the Sellafield Nuclear Licensed Site: Radiation (Emergency Preparedness and Public Information) Regulations 2001
 Project Assessment, Page 19 Recommendation 1: Cumbria County Council and Sellafield Ltd to advise that the REPPiR off-site emergency planning area has been determined as the area within the red line on map 8 at appendix D.

Recommendation 2: Cumbria County Council confirming the need to update, as required, its detailed emergency plan to adequately cover the area defined in recommendation 1.

The recommendations of this report are that ONR write to: Cumbria County Council confirming the need to update, as required, its detailed emergency plan to adequately cover the area defined in recommendation 1.
 Letter to CCC from ONR <http://www.onr.org.uk/pars/2014/sellafield-14-007-letter-council.pdf>

There is 'Work required to facilitate access' which must surely impact removal from site. Does CCC Emergency planning
 (There does not appear to be any planning document covering the evacuation of staff from proposed sites)

46. In Policy SP4, as amended in the submission version, what is meant by "the national strategy for managing radioactive wastes"?

POLICY SP4: Use of Best Available Technique

Proposals for additional radioactive waste facilities, which utilise the Best Available Technique review process, will need to demonstrate how the development complies with:
 the

- principles of sustainable development;
- the waste hierarchy;
- the precautionary principle;

SP4 Summary of Assessment This policy ensures that the optioneering process for new or extended radioactive waste facilities, demonstrates consideration of the three principles (sustainable development, precaution and proximity) and the waste hierarchy. These criteria are sometimes not given enough weight or are decided before a project is made public by an operator, and presented as a fait accompli; the policy ensures that these principles have been considered. It is not intended that the policy is used to demand that a project be undertaken in a certain way or that one principle is of greater weight than another. Secondary, Cumulative & Synergistic Impacts

Secondary - none identified Cumulative - none identified Synergistic - none identified Mitigation Proposed None

- the proximity principle. The Precautionary Principle 6. The Government is committed to using the precautionary principle, which was included in the 1992 Rio Declaration on Environment and Development³. This states that, “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”. As was made clear in A Better Quality of Life – A Strategy for Sustainable Development for the UK, precaution is not just relevant to environmental damage, but is relevant also in the fields of health and safety. The Interdepartmental Liaison Group on Risk Assessment (ILGRA), in its 2002 paper The Precautionary Principle: Policy and Application⁴, made a number of important points including noting that the: – precautionary principle should be invoked when: – there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and – the level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision-making. Precautionary action requires assessment of the costs and benefits of action, and transparency in decision-making.

UK Government

Planning Policy Statement 23

link

<http://www.cumbria.gov.uk/elibrary/Content/Internet/538/755/1929/42116113438.pdf>

When assessed against SP5:

To improve the health and sense of well being of people -Impact on human health e.g. noise and dust emissions -Proximity to sensitive receptors -Impact on the sense of well being of people Likely The policy would have a positive impact upon this objective as any proposals will need to demonstrate how it complies with the principles of sustainable development and the precautionary principle. +

the principles of sustainable development;

the waste hierarchy;

the precautionary principle;

and the proximity principle.

57. Do any of these sites have any significant planning constraints?

EN-6: Revised Draft National Policy Statement for Nuclear Power Generation

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47810/1971-appendices-to-aos-sellafield-en6.pdf

Appendices to the Appraisal of Sustainability Site Report for Sellafield

Appendix 1: Sustainable Development Themes and Appraisal of Sustainability Objectives

Summary of Significant Strategic Effects:

Significant Effects

- Potential for significant effects on regional and local road infrastructure through increased congestion/ disruption of traffic on the A595, A590/A5092 and A5093 during construction, operation and decommissioning stages.
- Potential for effects on strategic road network through carrying of large loads during construction – however this can be mitigated.
- Potential for effects on local communities in the settlements along the A595 and the A5093.

Mitigation and Monitoring Possibilities

Further studies will be required to assess in detail the effects on the road network, including the A595, A590/A5092, A5093, A66 and M6 motorway. • Appropriate mitigation measure to reduce the effects of transportation could include a Transport Management Plan (construction and decommissioning) and Green Travel Plan (construction, operation and decommissioning). Consideration of alternatives to road for the transport of large loads (for example transport by rail).

Potential Significant Effects and Mitigation Possibilities:

International/ National/ Transboundary

- National and transboundary health risks: There is a potential for any radioactive material discharged from the nominated site to travel both nationally and internationally (for example to the Republic of Ireland). However, current radiological monitoring of the nuclear power stations and other nuclear installations that have been adjacent to the nominated site since 1956 (see Appendix 4), suggests that the risk to the public is low with total dosage from all sources (including direct radiation) estimated as being less than 38% of the limit specified in the Ionising Radiations Regulations 1999. With regard to transboundary effects, there is a requirement under Article 37 of the Euratom Treaty for the United Kingdom, before plant authorisation can be granted, to submit its assessment of the likely effects to a panel of European experts who decide whether contamination of the water, soil or airspace of another Member State is likely to take place

2. Exposure Limits: The radiation to which members of the public are exposed by the operations of a nuclear power station is limited to 1 mSv per year. This limit applies to all members of the public, including those who receive the highest doses as a result of the location of their homes and their habits of life. It also applies to the cumulative effects of planned exposures from all sources of radiation, excluding medical exposures of patients and natural background radiation. This will need to be taken into account when planning all future power plants in terms of their size, design, position and allowed emissions and discharges. Therefore, the exposures of people living near to a new nuclear power stations have to be less than the dose limit taking into account exposures from any other nearby sites and any past controlled releases. This statutory dose limit is reinforced by the concept of ALARP (As Low As Reasonably Practicable), which is used by the nuclear regulators to reduce doses to as low as is reasonably practicable.