

3rd May 2017

Minerals & Waste Planning Policy Team
Cumbria County Council
County Offices
Busher Walk
Kendal
LA9 4RQ

Dear Sir / Madam,

Cumbria County Council Minerals & Waste Local Plan, Main
Modifications Consultation
Representation on behalf of the NDA

We are writing to you on behalf of the Nuclear Decommissioning Authority (the NDA) in respect of the current consultation on the Cumbria Minerals & Waste Local Plan (MWLP), Main Modifications Consultation. GVA is the appointed property advisor for the NDA, providing planning advice across the NDA's UK-wide estate. We have made representations to various local plan and other consultations across the UK, affecting various NDA sites.

The NDA is the strategic authority responsible for managing the effective and efficient clean-up of the UK's nuclear legacy, which includes the Sellafield site. Land within the Nuclear Licensed Site (NLS) is subject to decommissioning of redundant facilities, radioactive waste management and, where necessary, the remediation of land. Sellafield Limited is the Site License Company (SLC) under contract to the NDA to carry out the decommissioning process. LLW Repository Limited is the SLC responsible for operating the national Low Level Waste Repository in Cumbria, which is owned by the NDA.

GVA made representations on behalf of the NDA to the consultation on the Pre-Submission Draft of the MWLP on 4th July 2016. The NDA, Sellafield Limited and LLW Repository Limited coordinated the submission of statements to the MWLP Examination Hearings to support the representations made.

The detail of the representation to the Main Modifications Consultation is provided below.

Response to the Main Modifications Consultation

The NDA would like to confirm their support for the following modifications to the MWLP:

Main Modifications:

- Main Modification MM3 – Modification to Box 2.2;

- Main Modification MM4 – Modification to Box 2.3;
- Main Modification MM19 – Modification to paragraph 4.14;
- Main Modification MM21 – Modification to paragraph 4.28;
- Main Modification MM22 – Modification to Policy SP4;
- Main Modification MM23 – Modification to paragraphs 4.35 and 4.36;
- Main Modification MM24 – Modification to paragraph 4.39;
- Main Modification MM25 – Modification to Policy SP6;
- Main Modification MM47 – Modification to paragraph 14.16;
- Main Modification MM48 – Modification to Policy DC9;
- Main Modification MM63 – Modification to paragraph 17.4;
- Main Modification MM64 – Modification to paragraph 17.7;
- Main Modification MM65 – Modification to table 17.1;
- Main Modification MM66 – Modification to paragraph 17.11;
- Main Modification MM73 – Modification to paragraphs 18.18 and 18.19;
- Main Modification MM74 – Modification to paragraphs 18.21, 18.22 and 18.23);
- Main Modification MM75 – Modification to Policy SAP3; and
- Main Modification MM82 – Modification to Policy SAP5

Minor Modifications:

- Minor Modification Min5 – Modification to paragraphs 2.10 – 2.13;
- Minor Modification Min13 – Modification to paragraph 4.3;
- Minor Modification Min15– Modification to paragraph 4.4;
- Minor Modification Min16 – Modification to Table 4.1;
- Minor Modification Min18 – Modification to Table 4.1;
- Minor Modification Min19 – Modification to paragraph 4.16;
- Minor Modification Min20 – Modification to paragraph 4.19 (Footnote);
- Minor Modification Min21 – Modification to Table 4.2;
- Minor Modifications Min22 – Modification to paragraph 4.24 (Footnotes);
- Minor Modification Min23 – Modification to paragraph 4.26;
- Minor Modification Min24 – Modification to paragraph 4.27;
- Minor Modification Min25 – Modification to paragraph 4.30;
- Minor Modification Min26 – Modification to paragraph 4.31;
- Minor Modification Min27 – Modification to paragraph 4.35 (Footnote);
- Minor Modification Min28 – Modification to Policy SP5;
- Minor Modification Min29 – Modification to paragraph 4.47 (Footnote);
- Minor Modification Min30 – Modification to paragraph 4.50 (Footnote);
- Minor Modification Min31 – Modification to paragraph 4.53;

- Minor Modification Min32 – Modification to paragraph 4.54;
- Minor Modification Min33 – Modification to paragraph 4.54;
- Minor Modification Min80 – Modification to paragraph 18.8;
- Minor Modification Min81 – Modification to paragraph 18.10;
- Minor Modification Min83 – Modification to paragraph 18.15;
- Minor Modification Min84 – Modification to paragraph 18.16; and
- Minor Modification Min85 – Modification to paragraph 18.18 (Footnote)

While the NDA welcome the abovementioned changes to the MWLP, they maintain their view that further minor changes are still required for the Plan to be considered sound. For ease of reference, we have addressed each of these amendments in turn below.

Paragraph 4.13

With reference to Waste Planning Authority responsibilities in accordance with national policy on waste, Paragraph 4.13 states that “...*there should not be a default position of exporting these [radioactive] wastes to existing facilities in West Cumbria.*” However, it should be noted that current national strategy on radioactive waste might require the export of wastes to existing facilities in Cumbria where necessary to deliver site decommissioning, remediation and waste management objectives. The relevant strategy in this case includes the *NDA Strategy for radioactive waste management (Strategy III was issued in March 2016)* as the national framework for management of radioactive waste, and the *UK Nuclear LLW Strategy (February 2016)*.

National strategies on radioactive waste have been recognised as national policy in the planning arena. This position was supported by the Inspector during the Somerset County Council Waste Core Strategy Examination, and is reflected in a number of adopted and emerging development plan documents including the Suffolk County Council Waste Core Strategy and Kent County Council Minerals and Waste Local Plan.

Given the established status of NDA Strategy as national policy in the planning arena, it is requested that paragraph 4.13 is modified to make appropriate reference to the abovementioned strategy in order to present additional clarity to this paragraph.

Paragraph 4.20 (Table)

It is noted that the table at paragraph 4.20 provides a list of organisations that regulate radioactive wastes and sets out a list of their key responsibilities. With regard to the NDA, it is requested that an additional first bullet point is added to the third column of the table as this reflects one of the NDA’s key overarching responsibilities. It is requested that an additional bullet point is added as follows:

“- the organisation tasked with the decommissioning and clean-up of the UK nuclear legacy;”

Main Modification MM20 – New Paragraphs 4.19 and 4.20

It is noted that the Council proposes to insert new paragraphs 4.19 to 4.24 into the MWLP Chapter 4 – Radioactive Wastes. Paragraphs 4.19 and 4.20 refer to a future disposal route for radioactive wastes being available around 2089. The NDA would be grateful if the Council could provide greater clarification on the disposal route being referred to in these paragraphs. If this disposal route is the national Geological Disposal Facility (GDF), the current prediction is that the GDF will be available from 2040 onward, with the exact timings for the disposal of waste from across the NDA sites to be confirmed. If this is the case, these two paragraphs will need to be amended to provide this clarity.

Paragraph 4.23

The recognition of the NDA Strategy at paragraph 4.23 is welcomed as it is an important policy document requiring consideration in the preparation of Local Plans and development management decision-making. To accurately reflect the key principles of the NDA Strategy, it is requested that the first bullet point be amended as follows (proposed additional text is underlined):

“risk reduction, through flexible approaches to long-term waste management, is a priority;”

Risk reduction through flexible approaches to long-term waste management is a key principle of NDA Strategy and this should be recognised by paragraph 4.23. This is particularly significant given the context of the Cumbria MWLP and because Sellafield represents the highest risk/hazard of the NDA-owned sites and thus appropriate flexibility should be afforded to long-term waste management proposals at the site.

Paragraph 4.27

It is noted that paragraph 4.27 states (in reference to the radioactive waste management proposals having regard to the three principles of sustainable development, precaution and proximity):

“In the Council’s experience, these criteria are not given enough weight or are decided before a project is made public by an operator, and presented as a fait accompli.”

Whilst EU Directive 2008/98/EC specifically excludes radioactive waste from its scope in Article 2, from a radioactive waste management perspective, disposals of waste are subject to the requirement of Best Available Techniques (BAT) for which the proximity principle is a factor the Environment Agency (EA) would expect to be considered. As such, the NDA considers that the Council is making an inappropriate generalisation as radioactive waste proposals are required to be compliant with other relevant legislative provisions. In light of this, the NDA requests that the above sentence should therefore be deleted.

Conclusion

This representation has been made by GVA on behalf of the NDA in response to the current consultation on Cumbria Minerals & Waste Local Plan, Main Modifications Consultation.

In summary, the NDA welcomes amendments to the MWLP to ensure consistency with the representations made by GVA (on behalf of the NDA) to the consultation on the Pre-Submission Draft of the MWLP on 4th July 2016, together with the statements provided by the NDA, Sellafield Limited and LLW Repository Limited to the Inspector during the Examination of the Plan. However, the NDA maintain their view that further minor changes (as detailed within this letter) are still required for the Plan to be considered sound. If you require any clarity in respect of the enclosed representation, then please contact us.

Yours sincerely



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For and on behalf of GVA Grimley Limited