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5th May 2017

Sue Brett
Minerals & Waste Planning Policy
Cumbria County Council

Dear Ms Brett

Cumbria Minerals and Waste Local Plan Main Modifications – Response from Copeland Borough Council

Thank you for your consultation on the Cumbria Minerals and Waste Local Plan Main Modifications.

This matter has been considered by the Council's Executive and we have attached our representations to the proposed Main Modifications.

The Council continues to object to the allocation of site CO32, but have provided further representations to the Main Modifications to provide greater clarity and control should the Inspector be minded to maintain the allocation of CO32 in the Cumbria Minerals and Waste Local Plan.

If you have any queries please do not hesitate to contact me.

Yours sincerely



Chris Hoban
Strategic Planning Manager

Copeland Borough Council Response to the Main Modifications Consultation

It should be stressed that Copeland Borough Council continues to object to the allocation of site CO32 in the Cumbria Minerals and Waste Local Plan because:

- The principle for a change of use from open countryside to an allocation for inert waste storage has not been justified
- The principle for allocating a site in the open countryside to dispose of low level radioactive waste has not been justified with the existing evidence, and the Council feels that other opportunities have not been fully explored
- The Council does not want another Low Level Waste site in the community when the LLWR near Drigg is just a few miles away, and that any LLW should go to the LLWR (or VLLW to Lillyhall). This is the best practicable and environmental option and there is a lack of evidence that site CO32 provides the best environmental option
- Development here would result in proliferation of wastes which is not acceptable
- There is no evidence to suggest that the cumulative impacts of any likely proposals on site CO32, together with developments around the existing Sellafield site and the Moorside allocated site in the NPS has been properly considered
- The Council does not agree to the point of principle for allocating the site (as the evidence has not developed sufficiently to demonstrate the likely future waste arisings and an appropriate link that warrants an allocation of this specific site or at this scale)
- The site is good agricultural land and this forms an important setting for the Sellafield site
- Site CO32 is located on what has always been considered the 'clean' side of the river Calder, as Windscale was on the other side, and drains into the Calder which is a habitat for salmon

If the Inspector is still minded to retain the allocation of site CO32 the following representations provide comments on each of the Main Modifications that affect Copeland. We have tried to provide greater clarity about disposal of radioactive waste and the existing routes that should be utilised before any new locations, such as CO32, are considered. The representations also seek to provide clarity storage of inert materials and disposal of radioactive waste

The representations cover each relevant Main Modification in turn.

For clarification, the proposed amendments proposed by Copeland Borough Council are shown in **BLUE** shown in the table. (The original submitted text is **BLACK**, Additional Text proposed in Main Modifications is **GREEN** and Deleted text proposed in Main Modifications are in **RED**)

MM3

The proposed amendments are welcomed and the Council has no further comments.

MM23

With the spatial constraints highlighted by Sellafield, the Council feels that the location of the Lillyhall landfill 25 km north of the Sellafield site is a better location for the lower activity LLW than on-site disposal via CLESA-2 or further development of surrounding countryside to facilitate disposal of lower activity LLW.

Increasing the ability of Sellafield to act as a repository of LLW, when it has by default become the main store of the UK's ILW and sole storage of the HLW may open up Sellafield to become the UK nuclear waste site via the back-door. This has been highlighted in Policy 2 (CBC NMPS) and the position of the Council was to be considered during the NDA's Strategy 3 consultation.

The publication of the Sellafield Context Plan and discussion of Sellafield producing the Sellafield Master Plan has been suggested by Sellafield as a way to help reduce the long-term spatial constraints exhibited on site.

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
MM23	44	Paragraphs 4.35 and 4.36, new following paragraph	<p>Amend the final two sentences of paragraph 4.35, to read:</p> <p>“The CLESA has a remaining capacity of approximately 70,000m³, so it is expected scheduled to be full around 2025. Sellafield Ltd is, therefore, already carrying out feasibility studies into where CLESA-2 may be located <u>however consideration to utilising existing facilities such as landfill at Lillyhall & LLWR near Drigg are preferential to further site expansion</u>; this will be a future on or near site disposal facility.”</p> <p>Amend paragraph 4.36, to read:</p> <p>“Sellafield Ltd is also working on a Development of Sellafield Decommissioning Strategy, which will set out a critical path of what activities have to occur when and where, in order to carry out an effective and efficient decommissioning programme. The site currently has many spatial constraints, so the strategy will look at all the NDA-owned land adjacent to Sellafield, for its potential to <u>exclusively</u> accommodate the</p>

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
			<p>temporary clean waste storage of non-radioactive inert wastes, subject to any covenants or special provisions that would restrict this suggested use of the land. Non-radioactive inert wastes are generated from the such as construction, demolition or excavation activities on Sellafield, which fall under the legal definition of waste; they <u>which</u> would be retained for restoration purposes on the Sellafield complex, rather than importing large volumes of inert wastes for this purpose, in the future. wastes. Both the CLESA 2 work and the decommissioning strategy work, tie in with the Local Plan's site allocation CO32 land adjacent to Sellafield (see chapter 18), and this will have to provide a more flexible approach for Sellafield's future needs than solely for the disposal or storage of radioactive wastes."</p> <p>Insert new paragraph 4.37, to read:</p> <p>"The Local Plan identifies site CO32, land adjacent to Sellafield, in Policy SAP3 (see chapter 18). This has been allocated to take account of the likely needs identified in paragraphs 4.35 and 4.36, to provide the opportunity for use of this land, in the event that Sellafield Ltd has demonstrated, after rigorous assessment, that it is not feasible to use land within the Sellafield site (allocation CO36), in accordance with Policy SP4, or that it is not feasible to utilise an existing disposal route."</p>

MM24

Decommissioning waste should be the preferential route with waste managed on site, however at a point waste will be disposed of, as this stage it would be preferential for use of existing local nuclear sites (such as LLWR) rather than the proliferation of all level waste at Sellafield.

No.	Page No.	Paragraph/Policy/Figure/Table/Map/Box	Proposed Main Modification
MM24	44	Paragraph 4.39	Amend the last sentence of this paragraph, to read: “The County Council recognises that the nuclear industry operators will undertake that rigorous assessment, in the form of the optioneering process to assess the available management options for radioactive waste, favouring existing national waste strategies such as the use of LLWR which is then reviewed by the regulators. Also part of the rigorous assessment, but the Council would wish to see clear evidence of how those management decisions are have been formulated, in order for the Council to safeguard, through planning decisions, the interests of Cumbria’s communities and environmental assets.”

MM47

The proposed amendments are welcomed and the Council has no further comments.

MM48

The proposed amendments are welcomed and the Council has no further comments.

MM73

Provision within the borough for the disposal of lower activity LLW at Lillyhall landfill, 25 km north of the Sellafield site would enable Sellafield to investigate the use of land within the current site boundary for decommissioning activities rather than to further proliferate the waste stored on site.

Further to this, the national LLWR is closely located near to the Sellafield site and is included and tasked with safely storing & disposing of the LLW.

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
MM73	167	Paragraphs 18.18 and 18.19	<p>Amend paragraph 18.18, to read:</p> <p>“The CLESA at Sellafield is licenced only to take Sellafield’s VLLW and LA-LLW; it has a remaining capacity for disposal of approximately 70,000m3, which means that it is due to close expected to be full around 2025. <u>The use of existing disposal routes for LLW and low activity LLW to LLWR and licensed landfill sites respectfully, within the county is a preferential strategy to the implementation of CLESA-2.</u> There has been some assessment undertaken on the capability of the 280ha Sellafield complex to accommodate facilities for managing LLW from its own decommissioning activities. Firstly, Sellafield Ltd <u>has</u> carried out a feasibility study into where a future on or near site disposal facility (CLESA-2) may be located, and it is anticipated that a more detailed scoping study will commence during FY 2017/18. It is understood that the initial <u>The conclusion is that there is no capacity within that complex at present, but there are possible sites on adjacent land to the east, owned by the Nuclear Decommissioning Authority. To reflect this, a strategic assessment of land adjacent to Sellafield (site allocation CO32) was carried out by the County Council in a site allocations deliverability study. This did not highlight any major planning constraints.</u> of that study or any future assessments will determine the opportunity or otherwise to accommodate CLESA-2 within the Sellafield complex (site CO36). Where it has been demonstrated by rigorous assessment that it is not feasible to use land within CO36 in accordance with Policy SP4, or to utilise existing disposal routes, then consideration may be given to the use of land <u>outwith CO36.</u> 18.19 Secondly, Sellafield Ltd is working on the Development of Sellafield Decommissioning Strategy (see paragraph 4.42<u>36</u>) <u>as the site currently has so many spatial constraints.</u>”</p> <p>Amend the rest of paragraph 18.19, to read:</p> <p>“As the site currently has so many spatial constraints, it is likely that an additional LLW disposal facility will be</p>

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
			<p>developed near to Sellafield, rather than onsite, within the Plan period. However, p Policy SAP3 safeguards the Sellafield complex for continued LLW treatment (such as <u>super</u>compaction) and management (consignment to appropriate treatment, storage or disposal route <u>via the LLWRs</u>), as well as continued HAW treatment (such as vitrification) and storage, in site allocation CO36. The policy also identifies the Sellafield complex as an area of for potential consideration of for additional capacity for the disposal or storage of a range of radioactive wastes, subject to planning permission, should a proposal come forward within the Plan period.”</p>

MM74

Enabling the land adjacent to Sellafield identified as CO32 to be utilised for CLESA-2 would facilitate the further proliferation of waste on the Sellafield site and within the county. Especially given the proximity of the LLWR and Lillyhall landfill for the disposal of LLW and low activity-LLW respectively.

Sellafield is already the national store of HLW, as well as containing a significant proportion of the UKs ILW – enabling the long-term storage of LLW, especially given the proximity to LLWR may lead to Sellafield upon completion of the decommissioning activities becoming the site of all of the UKs nuclear waste.

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
MM74	167, 168	Paragraphs 18.21, 18.22, 18.23	<p>Amend these paragraphs, to read:</p> <p>“18.21 The Local Plan identifies site CO32, land adjacent to Sellafield, in Policy SAP3 to provide the opportunity for use of land in the event that it has been demonstrated, after rigorous assessment, that it is not feasible <u>to utilise existing disposal routes or to use land within CO36, in accordance with Policy SP4,</u> or to utilise existing disposal routes. As part of the rigorous assessment, Sellafield Ltd will need to demonstrate how they are meeting the requirements of Policy SAP3. As well as the potential for this Subject to meeting the requirements of policies SP4 and SAP3, site</p>

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
			<p>allocation (CO32) to be considered is identified for the potential development of a CLESA 2 and, it also has the potential for temporary long or short-term storage of non-radioactive inert wastes arising during the demolition or excavation stages of decommissioning, linked to an approved Sellafield site decommissioning strategy. The non-radioactive inert wastes would be used in association with the phased restoration of site CO36, in accordance with the decommissioning strategy. Furthermore, it is intended that there is a flexible approach to this allocation, whereby any needs identified by Sellafield Ltd. for space to temporarily store clean waste, arising during the demolition or excavation stages of decommissioning, could also be accommodated.</p> <p>18.22 To reduce the wider impacts (such as noise, visual and transport) of any development on CO32, there is potential for this land to the east of Sellafield to be accessed from within the existing Sellafield nuclear licensed site, thus reducing wider impacts and allowing for integration or expansion of existing, suitable installations and/or facilities. Policy SAP3 identifies this site allocation for potential consideration of additional capacity for radioactive waste disposal or storage, should a proposal come forward within the Plan period.</p> <p>18.23 It is considered that the Low Level Waste Repository, the Sellafield complex and land adjacent to it, can provide adequate capacity for the treatment, management, storage and/or disposal of appropriate levels of radioactive waste or non-radioactive inert wastes within Cumbria, subject to planning permission, throughout the Plan period.”</p>

MM75

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
MM75	168	Policy SAP3 Radioactive	Amend this policy, to read:

No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Proposed Main Modification
		wastes treatment, management, storage and disposal	<p>“Unless it can be demonstrated that it is no longer required, the capacity for the treatment, management, storage and/or disposal of currently permitted radioactive wastes will be safeguarded over the Plan period at the following existing sites:</p> <ul style="list-style-type: none"> • Sellafield complex (including former Windscale site) • Low Level Waste Repository • Lillyhall Studsvik metal processing complex (Cyclife) • Lillyhall landfill <p>The following sites are considered to be suitable locations for additional capacity, subject to the granting of planning permission:</p> <p>CO32 Land adjacent to Sellafield</p> <p>CO35 The Low Level Waste Repository, near Drigg CO36 Land within Sellafield</p> <p>Subject to the granting of planning permission, the following site is considered to be a suitable location to provide additional capacity for:</p> <ul style="list-style-type: none"> - the storage of non-radioactive inert wastes from the Sellafield complex (CO36); - the treatment, management and/or <u>short-term</u> storage of appropriate levels of lower activity radioactive waste from CO36; - the disposal of lower activity radioactive waste from CO36 that would previously have been disposed in CLESA. <p>Proposals for development on the following site will be required to demonstrate that:</p> <ul style="list-style-type: none"> • there is a clear need that cannot be met within CO36, or via the use of other existing disposal routes; • how the need is to be met; • the use of any part of CO32 is proportionate in terms of scale, timescale and footprint; • direct access is provided from site CO36, where appropriate. <p>CO32 Land adjacent to Sellafield”</p>

