

CUMBRIA MINERALS AND WASTE LOCAL PLAN

EXAMINATION SESSIONS – 13th to 14th DECEMBER 2016

 WRITTEN STATEMENT OF FRIENDS OF THE EARTH

Written Statement

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Summary**Matter 3 – Radioactive Waste Strategy**

Issue: *Whether the Plan provides sufficient opportunities for the management, treatment, safe storage and disposal of radioactive waste from all sources including nuclear fuel reprocessing, and decommissioning/demolition of nuclear licensed facilities.*

1. Policy SP1 has in our view failed to reference the specific principles of sustainable development; including the five guiding principles.
2. The precautionary principle, health and integrity of waste sites within policies SP5 and SP6.
3. The waste hierarchy and policy SP4

Matter 3:

Policy SP1 has in our view failed to reference the specific principles of sustainable development; including the five guiding principles set out in the NPPF at paragraph 6, boxed.

1. The tests of soundness referenced in the NPPF include the need for policies to be consistent with national policy. Paragraph 182 states that plans should enable the delivery of sustainable development in accordance with the policies in the Framework. The NPPF aims to define sustainable development, made in the context of United Nations and UK Sustainable Development Strategy principles:

“International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising

the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly"¹

2. Paragraph 151 of the same document then states that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. Policies of the Cumbria Minerals Local Plan are required to be *consistent* with this approach in the NPPF of delivering sustainable development, as per the soundness tests. We would suggest that the five guiding principles mentioned above should be reiterated within Policy SP1 Presumption in Favour of Sustainable Development to ensure that the objectives are realised throughout the plan.

Suggested amendment to Policy SP1 (Presumption in favour of Sustainable Development)

POLICY SP1 Presumption in favour of sustainable development

When considering development proposals, the Council will take a positive **and planned approach** that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions that mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions **jointly and simultaneously** in the area. **The guiding principles of sustainable development set out in *Securing the Future* are: i) living within the planet's environmental limits; ii) ensuring a strong, healthy and just society; iii) achieving a sustainable economy; iv) promoting good governance; and v) using sound science responsibly.**

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

¹ Pg. 2 – NPPF – 2012:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in Framework indicate that development should be restricted

The precautionary principle, health and integrity of waste sites within policies SP5 and SP6.

3. While Policy SP4 Transparent Decision Making aims to provide a criteria for which proposals for significant infrastructure developments (outside of the planning system) should have to abide with – in terms of sustainable development and the precautionary principle – policies SP5 and SP6 fail to embrace similar precautionary and health impact consideration for new low level radioactive waste sites and for higher activity radioactive waste treatment (management and storage).
4. The precautionary principle is a principle at the heart of environmental law to which the UK Government has been committed since signing of the Rio Declaration on Environment and Development in 1992. This states (at Principle 15) 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”*. Article 191(2) of the Treaty on the Functioning of the European Union declares that EU policy on the environment *“shall be based on the precautionary principle”*.
5. Policy SP5 (Development Criteria for low level radioactive waste sites) aims to provide criteria for proposals for new treatment, management, storage and/or disposal of low level radioactive waste. The preamble to the policy suggests that low activity waste can be divided into low level waste (LLW) and very low level waste (VLLW), the latter of which can usually be distributed via “alternative routes” including non-inert landfill; the former within Low Level

Waste Repositories (LLWR), such as located near to Drigg. According to the document, the majority (97%) of VLLW arisings over the plan period are likely to come from Sellafield (as per pg. 38 of the draft document) in terms of decommissioning of reprocessing plants. LLW arisings are more limited, with 22% predicted to come from Sellafield over the plan period, although as storage facility requirements for this type of waste are more stringent, geographically limited and nearer to capacity, there is a strong potential for new facilities to be required (e.g. prospecting of CLESA-2 at Sellafield). Page 42 states that Low Level waste covers a wide range of radioactivity levels, hence the need for LLWR, and as such the assumption is that there is at least some risk to public health and the environment, either from a single development or successively from a series of developments. In line with the precautionary principle aspirations of policy SP4 (Transparent Decision Making) we would ask that policies SP5 and especially SP6 are geared to more explicit consideration of the precautionary approach. The approach is particularly relevant in terms of reducing the potential for serious health impacts. In this light, studies are available² that link between radiation emissions from nuclear power stations and childhood leukaemia, resulting from long term exposure around such sites. While the study is less related to nuclear waste, there is definitive evidence that exposure – whether it be accidental or poor design – would have huge health consequences for populations near to such facilities. The need for consideration of the robustness of storage solutions, if they are indeed needed, and consideration of long term integrity should be central to these policies also.

Suggested Amendments to Policies SP5 and SP6

POLICY SP5 Development criteria for low level radioactive waste sites

Any proposal for new facilities for the treatment, management, storage and/or disposal of **very low or** low level radioactive waste, must demonstrate that:

- **The cumulative impact is acceptable**
- it conforms to national policies and strategies for LLW;
- it conforms to the other relevant policies of this Local Plan;
- it represents the most appropriate option; **particularly in terms of long term integrity.**
- it is in line with the principle that communities take more responsibility for their own waste, enabling the waste to be managed in the nearest

² <http://www.nuclearconsult.com/docs/information/risk/health/RadHealthKIKKCancerStudy.pdf>

- appropriate installations to its point of arising, the preference being on existing nuclear licensed sites;
- it complies with the principles of sustainable waste management - in doing so, it should identify the intended catchment area;
 - any significantly adverse impacts will be mitigated to an acceptable level, especially possible impacts on human health
 - a feasible strategy is in place in relation to the long-term integrity of the site;
 - it will not prejudice the existing use where the proposal involves co-location on an operational waste disposal site.

POLICY SP6 Higher activity radioactive wastes treatment, management and storage

Development proposals for the treatment, management and storage of higher activity radioactive waste arising within the county will need to demonstrate:

- **That cumulative impact is acceptable**
- that it conforms to national policies and strategies for HAW; and
- compliance with national and international standards and best practice for environment, safety and security, **and proven long term integrity**; and
- the reasons why possible alternative methods (for dealing with the waste) have been rejected; and
- that any adverse impacts have been adequately mitigated or compensated for.

Development proposals for the treatment, management and/or storage of waste that arises from outside Cumbria, will need to demonstrate that:

- alternative locations, at or closer to where these wastes arise, have only been rejected following rigorous assessment; and
- all practicable measures are taken to minimise the adverse effects of development and associated infrastructure; and
- acceptable measures are in place to secure decommissioning and site restoration.

Matter 3 – Waste Hierarchy

6. Friends of the Earth welcomes the principal of reducing the amount of waste that produced as a first step in nuclear waste management. We also welcome the application of the precautionary principle within policy SP4.³

³ This is especially paramount when (as with Sellafield proposals rejected in 2013) radioactive waste schemes (i.e. Geological Disposal Facilities) attract a lot of local concern over their possible immediate and long term impacts. The need for developers to comply with the precautionary approach should provide reassurance that any such proposals will have to include robust scientific evidence that demonstrates there will be no adverse environmental, water, habitat or geological impacts on the immediate and wider environment or on Cumbria's local communities, both now and over the long term (as per the timescales envisaged for nuclear storage)

7. Our concerns for this section relate to the interpretation of the waste hierarchy for developers of radioactive waste facilities. The waste hierarchy given at table 3.1 (pg. 13) states preparing for re-use as a key aim of the hierarchy, to minimise waste going down towards recycling, other recovery or disposal. Within this table, the interpretation of re-use could in context of radioactive waste be interpreted to mean re-processing. This is problematic, in that it would lead to the creation of further waste, which is contrary to the principle of prevention or reduction. We also believe that recycling could raise similar problems with regards to interpretation.

8. We therefore suggest the following amendments to policy SP4 in order to ensure there is total clarity in the objectives of the terminology:

Suggested amendment to Policy SP4

Policy SP4 Transparent decision making

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; and

the proximity principle.

Re-use or recycling of waste must not contribute to a net increase in waste, or an increase in waste with more damaging long-term and cumulative impacts.