

Cumbria Minerals and Waste Local Plan (MWLP) Agenda for Radioactive Waste and Other Matters Listed for Hearing on 13 & 14 December 2016

The following questions arise out of my further reading of the evidence and the responses to my draft Matters and Issues (M&Is) dated 28 October 2016. They form the basis for discussion at the forthcoming hearing sessions.

Post hearing written responses to the questions set out in this document are requested from the Council. I will also accept post hearing written responses from participants, who wish to submit further comments. The date for submission of responses will be discussed at the hearing.

Any other matters that the Council or other participants wish to discuss will be heard under "Other Matters" although if a point is related to a question raised below, it may be discussed with that question.

I welcome any Statements of Common Ground that might narrow/clarify issues between parties at any stage up to the close of hearings.

The Council should update me on any planning applications or permissions since the publication version, which are relevant to the Plan. Similarly, if there are any evidence documents, which have been superseded or updated, the Council should provide these details.

With respect to identified modifications arising from the M&Is dated 12 October 2016 and arising from the hearing sessions, the Council should draft main modifications. These main modifications should be incorporated into a list, which includes the main modifications in the submission version of the Plan, identified in the 12 October M&Is, and any other main modifications arising out of the minerals and waste hearing sessions. The list should be submitted to me post hearings and a date for this will be discussed at the hearings.

Part A: 13 December 2016**Questions****Legal Matters***Participants' issues*

1. Any legal issues that participants wish to raise will be discussed at this stage.

Soundness Matters***Matter 1: Vision, Objectives and Overall Strategy***

1. (Qu 11 M&Is). Given that the management of radioactive waste in Cumbria is of particular significance to the County and of national

importance, should the overall strategy and objectives not make specific reference to it? Overall strategies should be distinct to a local plan's area and be carried through to more specific policies in the Plan. Accordingly, does this waste stream not merit special mention within the overall strategy/objectives, particularly as it has a full section devoted to it in the Plan?

Matter 3 – Radioactive Waste Strategy

SP4 Transparent decision making

SP5 Development criteria for low level radioactive waste sites

SP6 Higher activity radioactive wastes treatment, management and storage

2. Please explain how optioneering works in practice and the interaction between the Council and other regulators.
3. Turning to the Nuclear Decommissioning Authority's (NDA) representation (028) on Plan paragraph 4.39. Where it says "*Cumbria County Council's preferred approach is that decommissioning waste should be managed on the site where they arise unless a rigorous assessment demonstrates that this is not practicable.*" Should there be more information on what is considered a "rigorous" assessment in order that developers properly understand what is required of them? Will this include the details of the optioneering process? What else might it include?
4. Plan paragraph 14.6 refers to SP5 and SP6 and states that "*No additional development control policies specific to these wastes are considered necessary, but if a proposal came forward on a nuclear site, all relevant development control policies would be used to determine the application.*" Might this sentence cause confusion? Could the first part be interpreted as meaning that only SP5 or SP6 need be complied with? Would it be better to remove the first part of the sentence?
5. Does Policy SP5 apply to VLLW as well as LLW and if so, should this be made clear in the Policy?

Radioactive materials not currently classified as waste

6. With reference to points raised by Friends of the Earth in their representations (029 & 032), the NDA Strategy (ND151) states that after fuel reprocessing has been completed in around 2020, Sellafield will retain the capability to continue to manage Advanced Gas Cooled Reactor (AGR) spent fuel from EDF Energy and other spent oxide fuels, and that this will go into interim storage. Assuming this material will be classified as waste

what grade is it likely to be in terms of HLW/ILW/LLW? On what scale is it likely to be generated and over what time scale? Should the MWLP address the management of this radioactive waste?

7. The NDA Strategy also refers to the consolidation of all "exotic" waste at Sellafield. What is this likely to consist of and what grade is it likely to be in terms of HLW/ILW/LLW? On what scale is it likely to be generated and over what time scale? Should the MWLP address the management of this radioactive waste?
8. The NDA's document *An Overview of NDA Higher Activity Waste*, November 2015 (attached to the Council's replies to M&Is) states on page 4 "*Some radioactive materials that are not currently classified as waste would need to be managed as waste if it was decided at some future time they had no further use. These materials include spent nuclear fuel, uranium and plutonium.*" It goes on to say on page 8 that these materials are included in the UK government's policy for the long-term management of Higher Activity Waste through geological disposal.
9. Is it possible that any uranium and/or plutonium, that might require management at Sellafield, could be classified as waste during the lifetime of the Plan? From where is it likely to originate? What grade of waste is it likely to be in terms of HLW/ILW/LLW? On what scale is such waste likely to be generated as opposed to material for re-use and over what time scale? Should the MWLP address the management of this radioactive waste?
10. When is spent fuel from the new Moorside reactors likely to start to be created and is it likely that any of it would be within a timeframe that the MWLP should consider?
11. Please explain what the "Derived Inventory" is and its significance.
12. Should the MWLP contain a specific strategic policy for dealing with future spent fuel/uranium/plutonium?

Other

13. With reference to Friends of the Earth's representations (029 & 032) about the waste hierarchy set out in Plan Figure 3.1 on page 13, could "re-use" and "recycling" in the context of radioactive waste be interpreted as including reprocessing? If so, is it intended that reprocessing comes within the hierarchy as set out or should the hierarchy be caveated to address reprocessing differently? Should the radioactive waste strategy address this issue?

14. The NDA Strategy (ND151) on page 62 indicates that for some Higher Activity Waste it may not be possible to apply the waste hierarchy due to the levels of radioactivity and/or the condition of the materials to be managed or the facilities within which they are held. Does this need to be recognised in the Plan?
15. With reference to certain points made in the Copeland Borough Council representation (037):
- Should the Plan address how Intermediate Level Waste is planned to be dealt with at Moorside?
 - Should the difference between absorbed, equivalent, committed and effective dose be made in footnote 45?
 - In Plan paragraphs 4.23 and 4.24 should reference be made to considering the key principles of other regulators and, for Higher Activity Waste, the recommendations from the Committee on Radioactive Waste Management?
 - Should it be made clear that application of the proximity principle in Policy SP4 is subject to national strategies for disposal of radioactive waste taking account of consolidation of wastes and economic efficiencies?
 - Should there be more recognition of the economic benefits of the nuclear industry within the Plan?
 - Should there be any further policy direction or reference within the Plan to the potential implementation of Geological Disposal Facilities within the UK?
16. Any other strategic matters that participants wish to raise will be discussed at this stage.

Part B: 14 December 2016

Matter 6: Development Management Policies

17. Any development management matters that participants wish to raise will be discussed at this stage.

Matter 7: Allocations Policies

Copeland sites

18. A discussion of CO32 *Land adjacent to Sellafield* will take place, having regard to Copeland Borough Council's representation (037).
19. Have any alternatives been assessed/considered and, if so, with what outcome?

20. With respect to site CO32 what, if any, significant cumulative impacts might there be from waste generated and will there be sufficient scope for adequate mitigation?

21. What is the current position with respect to the anticipated Moorside nuclear power station application and when is it expected to be submitted to the Planning Inspectorate for determination? In what general area is likely to be sited?

Other allocation matters

22. With respect to Electricity North West's representation (003) have their identified assets been added to the relevant radioactive waste allocations in the Site Assessments document and has this made any difference to the site assessments?

Participants' issues

23. Any other allocation matters that participants wish to raise will be discussed at this stage.

Other Matters

Implementation and monitoring

24. Is the implementation and monitoring framework in chapter 17 of the Plan appropriate for radioactive waste? Should there be more specific reference to radioactive waste?

25. Should the MWLP plan for a review upon the happening of any specific events/circumstances within the Plan period? If so, what should these events be?

Other

26. Any other matters that participants wish to raise will be discussed at this stage.

Any closing housekeeping matters

Elizabeth C Ord

Inspector

25 November 2016