

Hearing Statement

Dr Ruth Balogh

Friends of the Earth West Cumbria and North Lakes

12th December 2016

1. **Strategic objective for radioactive waste**

We support the proposal for a strategic objective for radioactive waste on the grounds that:

- ⑩ there is no integrated national policy on radioactive waste
- ⑩ due to Sellafield being the principal location for radioactive waste in the UK

This means there is a lacuna in planning policy leaving Cumbria vulnerable on this issue.

We also suggest that there should be regular review of the radioactive waste issues in this plan to ensure up to date understanding of what radioactive waste is arising nationally and its treatment in order to prevent a default position of exporting these wastes to facilities in Cumbria.

The rationale for this is that the current situation is unclear, given:

- ⑩ existing UK nuclear reactors approaching the end of their operational life,
- ⑩ the possibility of further extensions to such operations,
- ⑩ the lack of integrated national policies on radioactive waste, and
- ⑩ changes to the GDF decision-making process involving the reduction of the Cumbria CC tier of government to a consultative role only.

The review should be clearly timed and there should be triggers e.g. any expression of interest in a GDF.

We suggest the Strategic Objective should include the need for the Planning authority to be assured that they have the correct information. This is because the Planning Authority relies on the nuclear industry for information, but it may be subject to error [1] or inconsistent (see our submission on Reprocessing

Plant closures). Independent assessment of evidence should be undertaken at the discretion of Cumbria County Council and at the expense of the developer.

It should also contain a presumption against a GDF in Cumbria, since this is the County's stated policy following the MRWS process (para 4..49) and the relegation of this level of Planning to a Consultative role only in the UK policy for GDF Implementation [2].

Q: 46 – In relation to SP4

2. The application of the waste hierarchy

It should be noted that the waste hierarchy mainly covers prevention. This is because radioactive waste is defined as such due to its radioactive decay, which is a process that cannot be halted, and so such waste has to be stored. Storage does not appear in the hierarchy, only disposal. The distinction between these two is an important and defining feature in radioactive waste management.

The categories of 're-use' re-cycle' and 're-process' apply only in exceptional circumstances such as when the radioactivity in VLLW and LLW can in accordance with regulations be dispersed [3]. In particular it should be noted that the use of the term 'reprocessing' as carried out at Sellafield is not the same as in the Waste Hierarchy.

3. The proximity principle

In addition, the proximity principle should not be used to justify a GDF for 'existing legacy waste' in Cumbria, when it has been rejected by the County level and is not part of the Directive for radioactive waste (although it is for other waste). For example in the Directive, Article 4(4):

“Where radioactive waste or spent fuel is shipped for processing or reprocessing to a Member State or a third country, the ultimate responsibility for the safe and responsible disposal of those materials, including any waste as a by-product, shall remain with the Member State or third country from which the radioactive material was shipped.”

There is no mention of the proximity principle in the relevant EU Directives on radioactivity, and SP4 cannot therefore rely on definitions meant for other types of waste.

However the UK Government and European environmental law does seek to avoid transport of radioactive waste. The concept of transboundary responsibility is relevant here [5].

4. Strategic objective for radioactive waste

Under this objective it should clearly be stated that no new facilities for radioactive waste will be considered without a review of the relevant parts of this plan.

5. Objective 3

Remove 'including radioactive waste' on the grounds already set out that prevention is the main way in which the waste hierarchy would apply.

6. Additional information required

Paragraph 4.14 should be amended to include an explanation of the radiological characteristics of the wastes rather than merely the volumes, for example because these characteristics affect the distances that must be maintained between packages. Such information is required by the County in order to plan for storage.

References

[1] <http://corecumbria.co.uk/briefings/sellafield-ltd-fined-700000-for-sending-llw-to-local-landfill-largest-ever-fine-for-site-no-0213>

[2] <https://www.gov.uk/government/publications/implementing-geological-disposal-annual-report-april-2015-march-2016>

[3] <http://ukinventory.nda.gov.uk/about-radioactive-waste/what-is-the-waste-hierarchy/>

[4] Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community Framework for the responsible and safe management of spent fuel and radioactive waste

[5] OECD NEA 2016 Strategic Considerations for the Sustainable Remediation of nuclear Installations No 7290

- Ends-