



COUNTY COUNCIL

TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT)
(ENGLAND AND WALES) REGULATIONS 2004

REGULATION 25 CONSULTATION PAPER

DISCUSSION PAPER

THE ISSUES AND OPTIONS FOR THE CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK 2007 TO 2018

This is a discussion paper about what issues are raised and what options need to be considered during the preparation of the Cumbria Minerals and Waste Development Framework (MWDF). The Framework will set out proposals and policies for planning mineral working and waste management developments and for protecting the environment over the period until 2018.

Comments are welcomed on anything that is in the paper or on any matters that you consider have been missed out. A number of sites are identified for discussion for minerals and waste developments, suggestions for other sites will be welcomed.

Comments should be received by the end of July 2006. They can be made on-line, by email to mwdf@cumbriacc.gov.uk or by post to Environment Unit, County Offices, Kendal LA9 4RQ.

After it has considered everyone's comments the County Council will set out its Preferred Options. There will then be another round of public participation, this is programmed for November 2006 to January 2007.

June 2006

BACKGROUND INFORMATION ON WASTE

The Regional Spatial Strategy's Predicted Requirements for Commercial and Industrial Wastes

2.44 The draft Regional Spatial Strategy estimates that, to 2020, the arisings of commercial and industrial wastes within Cumbria will require:-

- Treatment/recycling capacity for 385,000tonnes/year
- Thermal capacity for 15,000 tonnes/year
- Landfill capacity for 350,000 tonnes/year (*a total over the plan period of twelve years of 4,200,000 tonnes*).
- No composting facilities.

RADIOACTIVE WASTE

Introduction

2.45 These are categorised as High, Intermediate, Low or Very Low Level Wastes according to their levels of radioactivity. The question of their long term management and disposal are issues for the whole of the UK. With the decommissioning of nuclear sites much larger volumes, and different types, of waste will be generated.

Where we are now

2.46 West Cumbria has, by far, the largest concentration of nuclear facilities in the UK. This makes planning policies for managing their wastes particularly important. However, every part of the country generates Very Low Level and Low Level Wastes from hospitals, some industries and research establishments. Most of the Low Level Waste is, at present, brought to Cumbria for disposal. Areas that have nuclear facilities, including power stations, will also be generating large volumes of decommissioning wastes.

2.47 The County Council considers it is important that every waste planning authority in the country includes policies and proposals in its development plan for managing Low and Very Low Level Wastes. In addition those authorities with nuclear facilities need to have policies and proposals for managing decommissioning wastes.

2.48 The types of radioactive wastes and their management are described in Box 2.

BOX 2

Types of radioactive waste and their management

High Level (HLW)

Liquid high level waste, mostly from reprocessing, is stored to cool at Sellafield and is then subject to a process of vitrification pending a national policy decision for its long term management.

BACKGROUND INFORMATION ON WASTE

Intermediate Level (ILW)

Most of the UK's intermediate level waste (this is waste which does not have to be cooled) is transferred into passive storage at Sellafield. This is pending agreement on a national long term waste management strategy. Proposals to further investigate an underground site for final disposal of ILW near Sellafield were rejected by the Secretary of State in 1997.

Low Level (LLW)

Much of the UK's low level waste is currently sent to the Nuclear Decommissioning Authority's Repository near Drigg which at the present time is operated by British Nuclear Group. Around two thirds of the Low Level Waste that is currently being placed within the Repository is from the Sellafield complex. A small proportion has been from industries and hospitals within the county the rest has been from other nuclear sites and waste producers throughout the UK.

The present facility, Vault 8, has limited remaining capacity and will be full by mid-2008. The County Council's Development Control and Regulation Committee recently granted planning permission for the temporary stacking of additional containers of waste above that vault but only until 2010.

A small proportion of LLW is incinerated.

Small quantities of LLW with lower activity levels are put into conventional landfills under a process known as Controlled or Special Precautions Burial.

Very Low Level or High Volume Low Activity wastes (VLLW or HVLA)

These are wastes that do not need the engineered disposal facilities such as Vault 8 at the site near Drigg. There are two landfill sites within Sellafield. Some are disposed of in small quantities into conventional landfill sites where the waste is diluted by much larger volumes of non-radioactive wastes. Much greater volumes of these wastes will arise from decommissioning.

Where we need to be

- 2.49** The question of how High and Intermediate Level wastes are managed is a contentious subject and the Government has accepted that a more open and transparent approach should be adopted. Following the 2002 White Paper "Managing Radioactive Waste Safely" the Committee on Radioactive Waste Management (CoRWM) was set up in 2003 to recommend the best option or combination of options for the long-term management of the UK's higher level radioactive wastes. CoRWM will report to Government in July 2006. CoRWM's draft recommendations are that in the long term the best option is geological disposal in a facility or facilities located several hundred metres underground. They believe the process leading to the creation of such facilities may take several decades and therefore should be underpinned by robust interim storage provision.

BACKGROUND INFORMATION ON WASTE

- 2.50 An intensified period of research and development aimed at reducing uncertainties at a general and site specific level in the long term safety of geological disposal is proposed by CoRWM. This will include research and development on alternative management options.
- 2.51 CoRWM have recommended that community involvement should be based on the principles of communities expressing a willingness to participate (volunteerism). Willingness to participate would be based on the provision of community packages of benefits that are designed to facilitate participation and ensure that a radioactive waste facility is acceptable to the host community in the long term.
- 2.52 The present position is that the County Council agrees that geological disposal is the appropriate preferred option provided that it is phased geological disposal with the wastes retrievable for some time into the future when succeeding generations decide to close the facility or alternatively retrieve and manage the waste in some other way.
- 2.53 Until national policy is formulated (and the implementation process is underway) it is not appropriate to discuss issues and options at this stage. It is not clear how best to incorporate matters about High and Intermediate Level radioactive wastes in the plan preparation process. If a partial Waste Development Framework review could commence in 2007 it would be necessary to establish and agree how the review would fit into the process and procedures for preparing and adopting the Framework.
- 2.54 DEFRA has undertaken a review of national policy for Low Level Waste which has been published for public consultation between March and May 2006. It is considered to be appropriate and necessary for this Development Framework to include policies on Low Level Waste once the national framework should become clear during 2006.
- 2.55 At the same time that CoRWM and DEFRA are reviewing policy on a "top down" basis each of the twenty or so nuclear sites in the country is currently preparing its own "bottom up" Integrated Waste Strategy. It is clear that these separate approaches will need to be coordinated. The County Council intends to engage with the Sellafield Integrated Waste Strategy preparation process and to continue to contribute to the one for Windscale.
- 2.56 The Nuclear Decommissioning Authority estimates that, for the rest of the country excluding Cumbria, an additional 2 Million cubic metres of solid Low Level Waste will need long term management over the next century (although a much shorter timescale is likely due to an accelerated programme). This does not include an estimated 18 Million cubic metres of Low Level Waste, mostly contaminated soils from the Sellafield complex. These figures highlight the extent of the nuclear legacy within the county.
- 2.57 In the DEFRA consultation paper it is assumed that the site near Drigg in west Cumbria has substantial authorised remaining capacity. This misunderstanding has led to a draft policy recommending that its use as a national asset should be maximised.

BACKGROUND INFORMATION ON WASTE

2.58 The Government's description of this facility as the UK's Low Level Waste Repository does not reflect any decision made by either the County or Borough Council. The site does not have planning permission to be such a repository. The County Council has submitted objections to the assumptions or misunderstandings that have been made in the consultation paper and to the failure to acknowledge the difficulties that the county will have in managing just the wastes that will arise within Cumbria.

What does the plan need to provide?

2.59 It seems inappropriate for the plan to make provision, at this time, for High and Intermediate Level Radioactive wastes for the reasons explained in the previous sections.

2.60 With regard to Low Level Waste the County Council has expressed its view that, before decisions can be made about the long term future of the Repository near Drigg and about its use for additional long term storage/disposal of wastes, answers are needed to three major concerns :-

- The impacts of climate change, sea level rise and coastal erosion on the site's long term integrity ;
- The radiological capacity of the site taking account of wastes that were tipped there between the 1950's and 1980's;
- The licensability of the site by the other regulators.

2.61 An issue could be whether any further provision should be made in Cumbria for long term management or disposal of Low Level Radioactive Wastes. However, as a general principle, it is considered that all plans should seek to manage all wastes as near as possible to where they are produced. On that basis the issue would be whether it is possible, in this plan, to make provision to enable facilities to be developed for all of the Low Level Radioactive Waste that arises within Cumbria.

2.62 The scale of the problem is that there will be an estimated 18 million cubic metres of Low Level Waste arising at Sellafield. It is not clear yet what proportion of this would need off-site facilities, for example, at the site near Drigg or new site(s) elsewhere or would remain on site.

MINERAL WASTES

Introduction

2.63 These are by far the largest volume of wastes that are produced. They arise mainly at quarries and a proportion of them would be incorporated into final site restoration schemes. The mineral wastes that are most relevant to this plan are those which can potentially be used as secondary aggregates as an alternative to primary land won materials.

WASTE CORE STRATEGY

iii. whether the proposal would seriously prejudice the infill and restoration of existing sites (Structure Plan Policy 60) and whether permitted landfill capacity comprises an adequate landfill capacity bank. It will be necessary to show that permitted landfill capacity is only sufficient for seven years or less for non-inert waste or four years or less for inert waste, or in the case of proposals to dispose of inert waste arisings from major construction projects at dedicated sites that there are net environmental and economic benefits compared with disposing of the waste at existing sites.

POLICY 59

Proposals for the physical, chemical or biological treatments of waste will be permitted where:

- i they reduce the potential of waste to pollute the environment; and
- ii they are situated on an industrial site provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area; or
- iii at a non-inert landfill site where required for pre-treatment of waste or treatment of leachate, where they can be accommodated without prejudicing the operation or restoration of the site

RADIOACTIVE WASTE CORE STRATEGY

High and Intermediate Level Radioactive Wastes

- 5.29** The Committee on Radioactive Waste's (CoRWM) draft recommendations are for geological disposal for these wastes with several decades of secure interim storage while this option is developed and implemented. CoRWM recommends that community involvement in the process should be based on the principle of communities indicating their willingness to participate in the light of a package of community benefits.
- 5.30** Sellafield already stores the UK's High Level waste and much of the Intermediate Level waste. Because of this there may be an issue about whether this plan should make specific provision to facilitate continuing storage. Taking into account that there are already planning permissions for interim storage facilities at Sellafield; and the ongoing national policy review it is not considered that such provision should be made at this stage.
- 5.31** Once the national policy position has been clarified that would appear to be the appropriate time for a partial review of the Waste Development Framework. This would follow the Government's response to the publication of the Committee on Radioactive Waste Management's (CoRWM) final report (expected July 2006) setting out all the implementation approaches.
- 5.32** In the meantime the present equivalent to a Core Strategy Policy is Review Joint Structure Plan Policy ST 4 - Major development proposals: this policy is set out in the box below The Structure Plan states that proposals that arise from the nuclear industry and the associated waste it generates will be considered under this policy.

WASTE CORE STRATEGY

- 5.33 Whilst the context within which the policy was written has now changed it is suggested that the policy is adequate in the interim until this plan can address High and Intermediate Level Radioactive Wastes.

Policy ST4: Major development proposals

Major development will only be permitted where:

- 1. the total benefit clearly outweighs the total detrimental effects,*
- 2. the proposal complies with national standards and best practice for environment, safety and security, and where appropriate is independently reviewed; and*
- 3. alternative locations and methods giving rise to less harm have been fully considered and rejected.*
- 4. In addition in the case of the Lake District National Park and AONBs:*
 - a) there are no alternative sites available outside the designated areas,*
 - b) the need for the development cannot be met in any other way,*
 - c) the development has a proven case in the public interest,*
 - d) the development is designed and carried out to cause least practicable harm, and*
 - e) the development has no overall adverse impacts on the local economy.*

Permission will be granted only on condition that:

- i. all possible measures are taken to minimise the adverse effects of development and associated infrastructure, and where appropriate,*
- ii. provision is made to meet local community needs,*
- iii. acceptable measures are secured for decommissioning and site restoration, and*
- iv. arrangements are made for suitable local community involvement during the development, decommissioning and restoration.*

For the purposes of this policy 'major development' is defined as development that has significant environmental effects and is more than local in character.

WASTE CORE STRATEGY

QUESTION 11

Do you consider that Structure Plan policy ST4 is adequate as an interim Core Strategy policy for High and Intermediate Level Radioactive Wastes? OR

Do you consider that the plan should make provision now for additional interim safe storage management of these wastes?

Low Level Radioactive Wastes

- 5.34** One option would be not to make any further provision at all for these wastes and a Core Strategy policy would simply need to reflect that approach. However, this is not considered to be practicable because of the amount of LLW that arises within the county itself, most of it from Sellafield.
- 5.35** Other options would need to consider the potential for managing these wastes within the Sellafield complex and the concerns about the long term integrity and radiological capacity of the site near Drigg. Other possible sites within and beyond Cumbria may also need to be identified and considered.
- 5.36** In addition account would need to be taken of the Nuclear Decommissioning Authority's aspirations, including site end-states, and of the Nuclear Legacy Advisory Forum's (NuLeAF) study of potential off-set packages of benefits and of local communities' rights to veto or volunteer to host sites.
- 5.37** Before setting out the Council's preferred option for submission to the Secretary of State further public and stakeholder consultation will be undertaken on radioactive wastes.

Core Strategy Policies

- 5.38** If it is considered that the plan should make provision for additional facilities needed to receive Low Level Wastes arising within Cumbria a possible policy could be :-

QUESTION 12

Additional facilities for storing or disposing of Low Level Radioactive Wastes should only be provided for wastes that arise from within the County?

Do you have any comments on this suggested policy?

SITE ALLOCATION POLICIES FOR WASTES

RADIOACTIVE WASTE POLICIES

7.70 The reasons why it is not possible to consider proposing policies for High and Intermediate Level Wastes have been explained in paragraphs 2.49 to 2.58.

Low Level Wastes

7.71 The following policies develop from the Core Strategy Policy in Chapter 5 paragraph 5.34 to 5.37 and are put forward for consideration.

QUESTION 20

Additional facilities for storing or disposing of Low Level Radioactive Wastes that arise within Cumbria shall only be provided at the site near Drigg if:-

- a) full account can satisfactorily be taken of the site's long term suitability in relation to climate change and coastal erosion;***
- b) detailed investigations show that the site has sufficient radiological capacity;***
- c) the facilities cannot be provided within the Sellafield/Windscale complex;***
- d) the proposals satisfy the environmental criteria of Generic Development Control policies;***
- e) the proposals include an appropriate off-set package of benefits to compensate for hosting such a facility***
- f) With the exception of no more than one lorry load per week, all wastes for storage/ disposal at additional facilities within the site shall be brought in by rail***

Do you have any comments to make on the above suggested policy?