

## Environment

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Ref: RGE/P334-21-4

Mr Philip Davies  
105b Brondesbury Road  
London  
NW6 6RY

Dear Mr Davies,

### **Hearing in Public for the Cumbria Minerals and Waste Development Framework Core Strategy and Generic Development Control Policies**

I refer to your representations on the above documents and to our brief conversation at the Pre-Hearing Meeting. I am sorry that I have not been able to write to you before now.

My understanding of the point that you raised at the Pre-Hearing Meeting and in your representations was that the Council's Pre-submission Consultations Statement did not acknowledge that you had suggested an alternative to Core Strategy Policy 11. The suggestion was in your letter dated 14 December 2007 in connection with the Proposed Changes to the Preferred Options Core Strategy, and is set out on the attached page.

The relevant sentence of the Pre-submission Consultations Statement is in the tenth bullet point of paragraph 3.23 and relates to what was, at that stage, Core Strategy Policy 15 :- "Although no alternative was put forward, suggestions were invited for other stages of the process or other planning criteria."

I should explain that the meaning of this is that the County Council had not put forward any alternative options to this policy in that consultation draft of the Preferred Options Core Strategy. It did not mean that no-one else had put forward alternatives in their representations. The first line of the paragraph explains that it identifies the policies for which the council did not put forward alternatives and gives reasons. The previous paragraph identifies those policies for which the council had put forward alternatives in the consultation document.

With regard to your suggestions relating to the CoRWM recommendations, the County Council's response to them had already been made. You may already have a copy of that, which was a joint response with Allerdale Borough Council, but I have enclosed a copy of it with this letter,

Yours sincerely,



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“Cumbria County Council, while welcoming CoRWM’s Recommendations:

- reasserts its policy objective of protecting the quality of life of present and future generations.
- notes with concern that some of these wastes on present projections will still be a burden to future generations
- reasserts its concerns about overdependence on one industry and the negative impact this may have on other sectors (3.58)
- notes that, beyond the balance of “benefits” and “detriments”, some aspects of the nuclear industry give rise to major hazards.
- notes that CoRWM’s recommendations were for existing and committed wastes only.
- notes that CoRWM’s recommendation for geological disposal as the endpoint was conditional upon further research being done (see CoRWM Recommendation Four)
- reserves the right to oppose a major development (ie a repository for ILW or HLW) if no other sites are volunteered by other communities nation-wide, in view of expert statements that 30% of the UK is supposed to be suitable.
- reserves the right to make its own assessment of the suitability of the geology, and to act accordingly.
- will unequivocally oppose any steps taken to pre-empt the voluntary aspect of any site selection process (eg by presuming on its results).
- reserves the right to make its own scientific assessment of any safety case, including the sufficiency of both generic and site-specific research and development, to act accordingly, and if necessary to oppose the “disposal” of any category of “waste” independently of any other category (ie safety case for ILW is independent from safety case for “high-level waste”, and vice versa)
- reserves the right to differentiate between locally produced “waste”, and “waste” produced elsewhere in the country, or abroad
- reserves the right to differentiate between existing (or existing and committed) “waste”, and newbuild “waste”.
- reserves the right to differentiate between UK publicly-owned “waste”, and “waste” generated by private operators for profit.
- has the right to expect impartiality on a national basis to be exercised by the implementing body, balanced by due recognition of Cumbria’s unique circumstances, and will keep these aspects under constant scrutiny.
- in all the above areas, Cumbria CC intends to stand as guardian of the long-term interest of the area.”



*Joint response to ‘the Committee on Radioactive  
Waste Management’s draft Recommendations’*

*from*

*Allerdale Borough Council  
and  
Cumbria County Council*

*May 2006*

Gordon MacKerron  
CoRWM Chair  
c/o CoRWM Secretariat  
4/F8 Ashdown House  
123 Victoria Street  
London SW1 6DE

31 May 2006

Dear Mr MacKerron

#### **PHASE 4: PUBLIC AND STAKEHOLDER ENGAGEMENT - CONSULTATION**

Thank you for giving the Local Authorities of Cumbria County Council and Allerdale Borough Council the opportunity to comment on CoRWM's draft recommendations. This joint response has progressed through the appropriate Executive procedures of each of the two bodies.

The approach adopted by CoRWM on consultation and engagement throughout its work is welcomed, as well as past and ongoing opportunities to meet with CoRWM members directly.

The most important issue remains the need to make rapid but considered national progress on developing a consensus approach to radioactive waste management in the UK based on both sound science and the use of open and transparent processes. West Cumbria is host to the bulk of the UK's waste inventory, hosting the UK's High Level Waste, much of the Intermediate Level Waste (in 'temporary' surface stores) and most of the Low Level Waste (where suitable).

We comment below on the specific questions that CoRWM ask.

#### **1. What do you consider to be the main strengths of CoRWM's integrated package of draft recommendations?**

On the whole, we support the draft recommendations, viewing them as realistic and acceptable to a wide range of public and stakeholders. However, we believe the appropriate geological disposal option is phased geological disposal and we explain why later in this letter.

We consider the following to be the main strengths of the proposed package;

- thorough research, to have arrived at the present state of knowledge for each initial option in an holistic and considered way; with a wealth of information sitting behind the recommendations, as evidenced by the rationales paper and other CoRWM documents. This considered process will provide a sound and comprehensive basis for the siting process enabling people to understand that there has been a thorough and inclusive process to arrive at the recommendations.
- the extensive and meaningful engagement with the public and stakeholders throughout the entire CoRWM process
- openness and transparency at every step

- use of specialist knowledge; for example, at the themed workshops and in the Multi-Criteria Decision Analysis process.
- consideration of the ethical issues in tandem with the technological issues
- consideration of the socio-economic issues.
- provision of an integrated package – consideration given not just to the end point for the wastes, but also to the steps needed to reach that end point
- the emphasis given to the need for future safe and secure storage and disposal.
- pointing out the potential stumbling blocks in the package

We consider that the most important of all the strengths is that CoRWM have listened to and taken account of the views of the diverse range of public and stakeholders with whom they have engaged throughout the whole process. It is essential to have community involvement, in order that the people affected will buy-in to the strategy and implementation process.

Our Councils strongly support the proposed staged approach to reaching an end point, with its in-built flexibility. It will be important further down the line when the implementation stage is reached, maybe in several generations, to show that all options and factors were considered on an equal footing. We agree that secure, long-term interim storage is a vital, integral part of this staged approach.

It also is of great importance that there is a commitment by central Government to an intensified programme of research and development, not only into all aspects of both geological disposal and interim storage, but also into other options that have not been completely ruled out by CoRWM. In the considerable time that it will take for a siting process and for the design of a waste repository (or repositories) to be completed, technology may well have advanced far enough for other waste management solutions to be viable. Time may also change the attitude of future generations, who may feel it is appropriate to dispose of the higher level radioactive wastes in a different manner.

## **2. What do you consider to be the main weaknesses and how do you think they should be addressed?**

The recommendations may be seen to be ‘all things to all men’, which may be regarded as a strength but also as a weakness. To some, it may appear that CoRWM have spent a long time and a considerable amount of tax-payer’s money and not arrived at any definitive answers.

Another way to look at the flexibility of this staged process is that people can become complacent with this and an opportunity is lost to stimulate more debate by developing some issues further.

Whilst there is discussion in the rationale behind the recommendations about phased disposal, clarity is essential on where CoRWM stand on this issue and to understand what CoRWM mean by Phased Geological Disposal (recognising there will be variants), as it is so fundamental to taking forward the option(s). To not support a long period in which to develop, trial, implement, monitor and review facilities, during which retrievability is maintained, forecloses on the capacity of future generations to develop variant approaches. We need to allow descendants to make future changes of plan, for instance to bring on board a new, currently speculative, technology or decide to backfill a deep store. Putting forward a solution at this stage, which does not, for sufficient time into the future, allow either the monitoring of a facility or for succeeding generations to review options in light of that monitoring, is not appropriate.

Our Councils also consider that the draft recommendations could have been more specific, whilst still retaining their inherent flexibility, on the following issues;

### Geology of the UK

How will it be decided, and by whom, which areas of the UK are suitable for geological disposal? How will geologies be discriminated between and will this be an open and transparent process? It is not clear how much work has been done on the suitability of UK geology for hosting a repository. It is not clear whether coastal flooding (from sea level rise) and erosion, and its impact on the siting process, has been assessed. We would have liked to have seen more evidence of this as contextual background to consideration of the options.

### Geological Disposal

The list of four types was useful but further information on these would have helped stakeholders to differentiate between phased or not and understand the degree of retrievability in each option. A link to the background information provided by scientists regarding the realities of each type listed (e.g. after closure, it takes around 100 years for the geology to become stable again) would further illustrate the options.

### Interim storage

A refinement of the options to indicate those that are more favoured, would have been useful, and given stakeholders a focus on which to comment. We would advocate at least the following issues, to be considered by CoRWM in a more detailed interim storage recommendation;

- coastal erosion and sea level rise – and thus siting near the coast
- security from terrorist attack
- safety and robustness
- prioritisation
- community acceptability
- planning system acceptability
- regulator acceptability
- number of stores needed – one centralised, several regional or local
- transportation

Having spoken with Members and officers from other Local Authorities, it would seem that much of the general public do not understand that ILW storage is already occurring at some nuclear licensed sites, rather than all being dispatched to Sellafield (the majority of UK citizens are within 26 miles of an ILW store). It is important that this situation is clarified, either by Government or by CoRWM, when engaging with public and stakeholders on the issue of long-term interim storage and the options available. We appreciate that it will be difficult for people to visualise this phase lasting for perhaps 100 years.

There is little discussion about the number and location of long-term interim stores. We feel that storage should be as close to its place of origin as possible.

Although not specified by CoRWM, do the implementation issues of volunteerism, veto and community enhancement also apply to interim storage solutions as well as to geological disposal? Clarification is important, perhaps in recommendation number 7, where it ambiguously states “long term radioactive waste facilities”. There would be justification for it to apply to some interim storage proposals.

## Waste packages

Further information on packaging types and their lifetimes before failure would, again, have provided a focus for comment. We deem it important to avoid the need for re-packaging wastes, so a (rough) timetable of the implementation stages would be invaluable, as would a list of options and costs for handling, conditioning and packaging.

Progress with ILW conditioning currently remains slow - between 1998 and 2001 the proportion of conditioned waste rose by only 3% to 15%. There needs to be a review by Government of how the retrieval, conditioning and packaging of ILW – to put it into a passively safe storage form – can be substantially speeded up. This could form part of the recommendations being proposed by CoRWM.

We also believe that more work needs to be undertaken on how uranium, plutonium and spent nuclear fuel should they, or any proportion of them, come to be regarded as waste, can be conditioned for long-term management.

## Number of repositories

Co-disposal of the different waste streams in the CoRWM inventory is not specifically mentioned, but seems the default option. If there is no information put forward concerning the number of repositories – one centralised, several regional local? – how can a meaningful debate be held? More information on how the different waste streams in the CoRWM inventory could be disposed of separately (or together) would also help to illustrate the options available. In the 'Eighteenth Annual Report' (July 1998) of the Radioactive Waste Management Advisory Committee (RWMAC), it says that there is an argument for "adjacent disposal of ILW and HLW in the same underground location, albeit in somewhat differently engineered vault systems designed to meet their differing requirements". It goes on to say that despite the potential for significant cost savings with co-disposal, there are drawbacks, such as the sheer size of a dual waste repository, outstanding technical issues on co-disposal and the potential for delay. Technology and understanding may have progressed since that report was published – we would welcome CoRWM's comments.

The majority of the UK's ILW and all of the HLW is presently stored in Cumbria. The members of our Councils are concerned that if only 1 repository is recommended it will, by default, be in this county on the grounds of cost, transport and increased risks. An explicit recommendation on this issue from CoRWM may help to allay those assumptions.

## Short-lived ILW

We would like to see more clarification on the subject of short-lived ILW – is it viable (technically and cost effectively) for further work to be done to separate out these particular wastes in order that they decay to LLW and decrease the radiological burden?

More information on how the sustainability principle of 'reduce, re-use and recycle' could be applied to short-lived ILW, as well as to the full range of wastes in the CoRWM inventory, would help to illustrate choices.

For both interim storage, which may last for several generations, and geological disposal, we feel that it is important to consider the issue of burden. Is it fair that one community should carry the nation's burden or is it more equitable to share that burden and ask communities to take on the responsibility for 'their' wastes, as is enshrined in the proximity principle? The burden is not just that of detriment to a community, but also includes transport issues – emissions from lorries, travel through other local authorities, increased risk of accident or attack and potential 'double movement' of wastes. The County Council

and Allerdale Borough Council have previously indicated their opposition to centralising ILW storage at Sellafield.

We believe that it would also be useful to the layman if all terms are defined, perhaps through a glossary.

Finally, we would like to point out that we are unhappy that this last Public and Stakeholder Engagement phase is of only 3 weeks duration. CoRWM have spent 3 years reaching their recommendations and, despite the fact that we kept abreast of the process at every step of the way, we are being asked to make important judgements on important issues in a very short timeframe – not long enough to proceed satisfactorily through our Executive processes.

### **3. What would increase your confidence in the draft recommendations?**

We would like to see confirmation that this is not 'the final decision', but that it is a decision at this point in time, using the best available knowledge, and is flexible enough to change during the period before an irreversible decision/action must be taken. Great advances in technology are being made in 'decommissioning' and this can be fed into the pool of knowledge. It is important not to foreclose an option before necessary.

As CoRWM has indicated, retrievability is a particular issue for stakeholders. We would like to see a clear statement from CoRWM that phased geological disposal is the preferred option. This would allow retrievability for an appropriate period of time and, thereby, the option for succeeding generations to decide to retrieve the waste rather than close and backfill the facility. Through research and development the variants of phased geological disposal can be worked up and debated both nationally and with volunteer host communities.

If phased disposal sites are established, become operational and are monitored, a guarantee is required that despite the investment, the site will be terminated (i.e. all waste retrieved) if monitoring indicates the facility is not operating as expected and poses an unacceptable risk in the view of Regulators. There is also concern that if this and successive Governments have spent such a large amount of money on the geological disposal solution, they will not be willing to cease travel down this disposal route if other, more suitable technologies are identified. We understand that CoRWMs specialist 'cost' workshop found that there was not a great difference across the solutions and this was not a useful discriminator.

Confidence will be increased by CoRWM adding and placing more detail into the recommendations to Government. This is not at the expense of their flexibility, but could perhaps be effected by linking not only the rationale behind each recommendation, but also to the evidence behind it. Clearly there are a range of variants for phased geological disposal and the research and development will develop these. We agree that there also needs to be continuing stakeholder and public engagement to effectively communicate and debate these options. We believe there may be some confusion among stakeholders over exactly what is meant by phased geological disposal and retrievability. Variants need to be explained in detail and their implications understood, otherwise there is a real danger of people supporting an option which they subsequently discover they have misunderstood.

As mentioned earlier, one of the strengths of the draft recommendations is that CoRWM have listened to and reflected the views of the diverse range of public and stakeholders with whom you have engaged throughout the whole process. We reiterate that it is necessary to have community involvement, in order that they will buy-in to the strategy and

implementation process. The only deviation from this should be if the majority view can be proven to be technically wrong or not feasible.

Again, as noted in the answer to question 2, we regard the further exploration of the issue of community burden an aid to increasing our confidence that the best available solutions are being identified.

**4. a. In view of the different approaches to geological disposal, how specific do you think CoRWM should be about the form of geological disposal that it recommends?**

As mentioned above, it will be quite some time until an irreversible decision/action is taken. In the interim, it is important to maintain flexibility in the approach to the best available end point – namely phased geological disposal. During this time, better engineering solutions may arise and there will be a better understanding of the issues and risks.

Looking at the four scenarios explained in your paper ‘Approaches to Geological Disposal’, we would wish to see further background information on each. For example, why might immediate backfill of the vaults be the optimum solution, what is the evidence? If other countries build and fill a repository (or repositories) before the UK, we should be able to analyse their data and build on their knowledge.

Thus, we feel that it is appropriate at this time for CoRWM to be more specific and make clear that phased geological disposal is very much an option, with a range of possible variants, without recommending a specific variant. Therefore, the flexibility needs to exist, but there also needs to be a programme of education, debate and research on the various approaches that could be appropriate to refine them, in particular to seek agreement on the most appropriate phased option. This programme may continue for some time.

**b. In the light of the issues surrounding phased geological disposal, do you think this option should remain in the running or be rejected at this stage? Please explain the reasons for your views.**

As you have been advised previously, the County Council does not support deep geological disposal with no intention to retrieve. Phased Deep Geological Disposal is favoured by our two Councils, of which there can be a range of variants. We would envisage the chambers being kept open for a long period and, during this time, full retrievability of the waste would be maintained and succeeding generations would make the decision whether the facility is backfilled and sealed, or alternatively whether the waste should be retrieved and managed in a different way. Relating this to CoRWM Document 1721, setting out approaches to geological disposal for ILW, we would favour the option 4 end of the spectrum - ‘after the waste is emplaced, backfilling could be delayed for up to a few hundred years’. Another scenario is to provide secure, long-term interim storage while deep underground methodologies are developed, trialled and reviewed over the long term.

Geological disposal is not tried and tested in practice. As facilities are designed and in place, there will be a learning curve.

Technological progress will be more rapid with the present focus on decommissioning and radioactive waste management, and will influence design.

Putting forward a solution which does not allow as much time as possible to learn through its design, construction, testing and operation for a period of time is strange if we have the technology to do so. We learn by experience, we can’t afford to get it wrong and succeeding generations should not be denied options that could be available to them.

To inspire public confidence, these facilities need to be established on the basis that they will operate whilst retaining the option to retrieve the waste, for an appropriate timescale.

Building in the potential for the disposal to be phased will no doubt increase the costs, as it affects all the engineering concepts and design. From previous public and stakeholder engagement, CoRWM has indicated that the majority favour phased geological disposal and this is important, as communities must buy-in to the concept. Moreover, phased disposal does not preclude the option to close the repository at any point if succeeding generations reviewing its performance and other management options so decide.

## **5. CoRWM has developed a more detailed set of draft recommendations on implementation and identified some issues for discussion (document 1722 – ‘Implementation: Some Issues for PSE4’)**

The implementation recommendations closely mirror those promulgated by the Nuclear Legacy Advisory Forum (NuLeAF) and Cumbria County Council endorsed these at Cabinet in April this year.

The main strengths of these implementing recommendations are the empowerment of communities in the site finding process and the community packages to offset the burden on communities. Our Councils fully support the concept of volunteerism and that there has to be a partnership approach, as these will provide a greater chance of success.

Although there are no particular weaknesses, we can see that there are some areas that could cause concern if not implemented appropriately. For example, it is important to ensure that the exact point at which the right of withdrawal can be invoked (from either side of the partnership) is set down before negotiations start – thus a community could not pull out at the last minute at a vast cost of time and resources. Having seen an example in Sweden, we feel that it is also important that up to the ‘point of no return’, negotiations are held with several willing communities, rather than putting all eggs in one basket. It may be more expensive to hold parallel processes, but it lessens the risk of no-one taking up the offer.

On the question of who should represent the local community, it seems clear that this should be the democratically elected bodies. These bodies, accountable to the local community that they serve, would have the deciding vote; but there must be a pre-determined process of ‘community of interest’ engagement. The community of interest would also encompass cross-border local authorities, who may be closest to a potential site. Volunteerism, veto and incentives should rest with the Local Authorities, but through consultation with the community of interest.

It would seem sensible to us, that the overseeing body is based along the lines of the former Radioactive Waste Management Advisory Committee - a non-departmental public body, providing independent expert advice to the UK Government and the devolved administrations. This could be augmented with the relevant Regulators, to ensure safety and security, plus a nominee from the Local Authorities of the present nuclear host sites. Whatever precise form the overseeing body takes, it should be adequately resourced and able to bring in experts or consultants, as necessary. They should be accountable to Government and subject to scrutiny from, for example, select committees.

There is some subjective wording in the recommendations, such as ‘wider community’ and ‘local’, and these should be set out from the start, so that no recriminations can be made later.

The implementation proposals as set out are supported in principle. We would like to be involved, through NuLeAF, in detailed consideration of how the implementation proposals will work in practice and have the opportunity to formally comment on them again.

## Conclusions

In conclusion, we strongly support the following;

- the proposed staged approach to reaching an end point, with its in-built flexibility
- an intensified programme of research and development, not only into all aspects of both geological disposal and interim storage, but also into other options that have not been completely ruled out by CoRWM
- the recognition that CoRWM has given to the need for partnership and public engagement in the waste management process
- phased geological disposal, with retrievability.
- the support for communities bearing the burden of nuclear waste facilities.

We also strongly advocate that the draft recommendations are made more specific, as per our response to question 2, whilst still retaining their inherent flexibility.

We would like to commend CoRWM on their hard work over the last three years to reach such a position today. We would expect the same degree of public participation in the next stages of implementation, e.g. siting.

Yours sincerely,



Councillor Tim Stoddard  
Leader  
Cumbria County Council



Councillor Jim Musgrave  
Leader  
Allerdale Borough Council